# 1AC---Butler----Nov/Dec

## 1AC

### Butler

#### Racism in the criminal justice system is not just a “thing,” it is what the system is contingent upon. Talking about anything to do with the United States Criminal Justice System means nothing without looking to its inherent antiblackness.

Lindsey **Cook** *No, Justice is Not Colorblind* <http://www.usnews.com/news/blogs/data-mine/2014/12/11/no-justice-is-not-colorblind> December 11th, 20**14**

The [recent protests](http://www.usnews.com/news/articles/2014/12/01/ferguson-protests-snarl-streets-across-the-country" \t "_blank) and conversations over [#blacklivesmatter](https://twitter.com/search?f=realtime&q=%23blacklivesmatter&src=typd) show the United States is in no way post-racial. The debate rages on as both sides ask, “**Is America’s [criminal justice system](http://www.usnews.com/news/articles/2014/08/14/michael-brown-eric-garner-deaths-add-scrutiny-to-broken-windows-policing" \t "_blank" \o "Link: null) colorblind?” The best way to know is to look at the data**. First, the U.S. is insanely good at throwing its citizens in the brink. Really, we are. With only 5 percent of the world’s population, we house 25 percent of all prisoners, which makes the country the world’s biggest jailer. The problem has only been getting worse: The [prison population](http://www.usnews.com/news/articles/2014/10/03/for-eric-holders-supporters-the-attorney-general-still-has-work-to-do" \t "_blank" \o "Link: null) has increased by 700 percent since 1970, meaning one in every 31 adults is under some sort of correction, according to the [American Civil Liberties Union](https://www.aclu.org/files/assets/massincarceration_problems.pdf). The U.S.’s love of throwing people behind bars is also [expensive](http://www.usnews.com/news/blogs/data-mine/2014/12/09/what-youth-incarceration-costs-taxpayers)  – the annual cost per inmate is $21,006 for minimum security and $33,930 for high security, according to the [Urban Institute](http://www.urban.org/uploadedpdf/412693-the-growth-and-increasing-cost-of-the-federal-prison-system.pdf). The [prison population](http://www.usnews.com/news/blogs/data-mine/2014/09/23/prison-population-drops-for-first-time-since-1980" \t "_blank) is far from equally distributed. Black residents are imprisoned at a much higher rate than white Americans, which prompted civil rights lawyer [Michelle Alexander](http://newjimcrow.com/about-the-author) to call the system “[The New Jim Crow](http://newjimcrow.com/).” Looking at the numbers, she isn’t far off. **While people of color represent minorities of the country’s overall population, they are a strong majority in U.S. prisons.** Many of the factors contributing to this inequality can be attributed to the system instead of to different behavior between blacks and whites. **Nothing illustrates the difference between justice for the races than the [war on drugs](http://www.usnews.com/news/articles/2014/11/07/silk-road-30-opens-for-business" \t "_blank" \o "Link: http://www.usnews.com/news/articles/2014/11/07/silk-road-30-opens-for-business)**. **Whites and blacks use drugs at roughly the same rate** – there isn’t a statistically significant difference, according to the [U.S. Department of Health and Human Services](http://www.samhsa.gov/data/sites/default/files/NSDUHresultsPDFWHTML2013/Web/NSDUHresults2013.pdf). **Black people**, however, **are arrested for drug use at a much higher rate**. At the disparities’ peak in the late 1980s and early 1990s, blacks were five times more likely to be arrested for drugs than whites were. Recently, we haven’t done much better. **The national arrests rates for [marijuana](http://www.usnews.com/news/articles/2014/12/09/spending-deal-protects-medical-pot-blocks-legalization-in-dc" \t "_blank" \o "Link: http://www.usnews.com/news/articles/2014/12/09/spending-deal-protects-medical-pot-blocks-legalization-in-dc) possession were 716 arrests per 100,000 black residents in 2010 and 192 arrests per** 100,000 **white residents**. [Marijuana](http://www.usnews.com/news/articles/2014/12/09/hecklers-crash-anti-pot-legalization-forum-on-capitol-hill" \t "_blank" \o "Link: http://www.usnews.com/news/articles/2014/12/09/hecklers-crash-anti-pot-legalization-forum-on-capitol-hill)arrests accounted for over half of all drug arrests in 2010, according to the [ACLU](https://www.aclu.org/files/assets/aclu-thewaronmarijuana-rel2.pdf" \t "_blank). Although there isn’t national data on [racial profiling](http://www.usnews.com/news/newsgram/articles/2014/12/08/obama-administration-announces-new-racial-profiling-guidelines" \t "_blank" \o "Link: http://admin.usnews.com/news/newsgram/articles/2014/12/08/obama-administration-announces-new-racial-profiling-guidelines) by police, looking at city data, **it’s pretty clear black citizens have more interactions with police and that those interactions progress further**, often **without a clear reason**. As we’ve reported previously, in [Ferguson, Missouri, blacks](http://www.usnews.com/news/blogs/data-mine/2014/08/14/racial-tensions-in-ferguson-started-long-before-dontshoot) are stopped, searched and arrested more than whites, even though whites have a higher contraband hit rate. Even after controlling for population – **the community of [Ferguson](http://www.usnews.com/opinion/articles/2014/12/02/obama-requests-funding-for-50-000-police-body-cameras-pundits-react" \t "_blank" \o "Link: http://admin.usnews.com/opinion/articles/2014/12/02/obama-requests-funding-for-50-000-police-body-cameras-pundits-react) is 60 percent black – black residents are still stopped way more than would be expected, while whites and Hispanics are stopped less than would be expected**. Other cities aren’t any better. **In [Boston](http://www.usnews.com/news/articles/2014/10/30/former-boston-mayor-thomas-menino-is-dead-at-71" \t "_blank" \o "Link: null), blacks represent less than 1 in 4 of residents but** from 2007 to 2010 accounted **for more than 3 of 5 field interrogations**, observations, frisks and/or searches. The[ACLU](https://www.aclum.org/sites/all/files/images/education/stopandfrisk/black_brown_and_targeted_online.pdf) found that even after controlling for potential confounding factors such as neighborhood crime rates, past arrest records and alleged gang affiliation, racial differences persisted in encounters with the Boston police. [New York’s Stop-and-Frisk](http://www.slate.com/blogs/crime/2013/07/01/mayor_bloomberg_stop_and_frisk_yes_the_controversial_policy_is_really_really.html) policy consistently led to police stopping more blacks and Latinos, even when the area’s population was less than ¼ black and Latino. Some of those encounters, like the one between unarmed black teenager [Michael Brown](http://www.usnews.com/news/articles/2014/11/24/michael-brown-shooter-darren-wilson-not-indicted-by-grand-jury" \t "_blank" \o "Link: http://www.usnews.com/news/articles/2014/11/24/michael-brown-shooter-darren-wilson-not-indicted-by-grand-jury) and police officer [Darren Wilson](http://www.usnews.com/news/articles/2014/11/25/darren-wilson-isnt-out-of-the-woods" \t "_blank" \o "Link: http://www.usnews.com/news/articles/2014/11/25/darren-wilson-isnt-out-of-the-woods) in [Ferguson](http://www.usnews.com/news/articles/2014/11/24/what-civil-rights-groups-will-push-in-ferguson-even-if-darren-wilson-is-not-indicted" \t "_blank), end in death. The difference between police killings for white and black teenagers is stark. Black teenage men are 21 times as likely to be the victim of a reported police killing as white teenage men, according to analysis of 2010-2012 data by [ProPublica](http://www.propublica.org/article/deadly-force-in-black-and-white). The [inequalities](http://www.usnews.com/news/articles/2014/08/22/fergusons-racial-problems-are-not-unique-to-ferguson" \t "_blank) don’t stop after encounters with police. At every level of the justice system, data show **not everyone whose case goes in front of a jury is evaluated equally, not everyone who stands in front of a judge is sentenced equally and not everyone’s case is prosecuted equally.** Killings involving a white perpetrator and a black victim are much more likely to be ruled justified than other killings. Killings with a black perpetrator and a white victim are the least likely to be ruled justified. The disparities are even greater in states with Stand Your Ground laws, according to the [Urban Institute](http://blog.metrotrends.org/2013/07/american-criminal-justice-color-blind-statistics/). [George Zimmerman](http://www.usnews.com/news/articles/2013/07/13/george-zimmerman-not-guilty) used Florida’s Stand Your Ground law as his defense after he shot and killed an unarmed black teenager, [Trayvon Martin](http://www.usnews.com/news/articles/2014/07/18/a-year-after-trayvon-martin-who-is-leading-the-race-conversation). A study by [Duke University researchers](http://today.duke.edu/2012/04/jurystudy) looked at data from more than 700 felony trials in two counties in Florida from 2000 to 2010, finding that the racial makeup of the jury and the race of the defendant influenced whether he or she was convicted. **The majority of people serving life sentences at the federal level are black, and almost half of those serving life sentences nationally are black**. In some states, the percentage is even higher: In Maryland, 77.4 percent of inmates serving life sentences are black, in Georgia it’s 72 percent and for Mississippi, 71.5 percent, according to research from [The Sentencing Project](http://sentencingproject.org/doc/publications/inc_Life%20Goes%20On%202013.pdf). [The ACLU](https://www.aclu.org/files/pdfs/capital/racial_disparities_federal_deathpen.pdf) also found authorization to seek the death penalty was more likely when there was at least one white victim in the case. Between December 2007 and September 2011, **the sentences for black male offenders are almost 20 percent longer than sentences for white male offenders,** according to data from the [U.S. Sentencing Commission](http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/booker-reports/2012-booker/Part_A.pdf#page=55).

#### Therefore, the idea of morality in the context of legalism is inherently different when it comes to African Americans. The majority that created the rules do not account for the minority that have to live with the rules, which justifies why the minorities have to take specific actions in the cases of law when the law itself is unjust towards them.

Paul **Butler** **1**Racially Based Jury Nullification: Black Power in the Criminal Justice System Source: The Yale Law Journal, Vol. 105, No. 3 , pp. 677-725 Published by: Yale Law Journal Company, Inc. Stable URL: http://www.jstor.org/stable/797197 Accessed: 27-10-2015 18:33 UTC Dec., 19**95**

For the reader who is unwilling to concede the mythology of the rule of law, I offer another response to the concern about violating it. Assuming, for the purposes of argument, that the rule of law exists, **there** still **is no moral obligation to follow an unjust law**.174 **This principle is familiar to many African-Americans who practiced civil disobedience during the civil rights protests** of the 1950s and 1960s. Indeed, **Martin Luther King suggested that morality requires that unjust laws not be obeyed**.175 As I state above,176 the difficulty of determining which laws are unjust should not obscure the need to make that determination. Radical critics believe that the criminal law is unjust when applied to some antisocial conduct by African-Americans: The law uses punishment to treat social problems that are the result of racism and that should be addressed by other means such as medical care or the redistribution of wealth. Later, I suggest a utilitarian justification for why African-Americans should obey most criminal law: It protects them.177 I concede, however, that this limitation is not morally required if one accepts the radical critique, which applies to all criminal law. 4. Related to the "undermining the law" critique is the charge that jury nullification is antidemocratic. The trial judge in the Barry case, for example, in remarks made after the conclusion of the trial, expressed this criticism of the jury's verdict: "The jury is not a mini-democracy, or a mini-legislature .... They are not to go back and do right as they see fit. That's anarchy. They are supposed to follow the law.'"178 A jury that nullifies "betrays rather than furthers the assumptions of viable democracy." In a sense, the argument suggests that the jurors are not playing fair: The citizenry made the rules, so the jurors, as citizens, ought to follow them. **What does "viable democracy" assume about the power of an unpopular minority group to make the laws that affect them?** It assumes that the group has the power to influence legislation. **The American majority-rule electoral system is premised on the hope that the majority will not tyrannize the minority, but rather represent the minority's interests**. Indeed, in creating the Constitution, the Framers attempted to guard against the oppression of the minority by the majority.179 Unfortunately, these attempts were expressed more in theory than in actual constitutional guarantees, a point made by some legal scholars, particularly critical race theorists. The implication of the failure to protect blacks from the tyrannical majority is that the majority rule of whites over African-Americans is, morally speaking, illegitimate. Lani Guinier suggests that **the moral legitimacy of majority rule hinges on two assumptions: 1) that majorities are not fixed; and 2) that minorities will be able to become members of some majorities**. **Racial prejudice "to such a degree that the majority consistently excludes the minority, or refuses to inform itself about the relative merit of the minority's preferences," defeats both assumptions**.181 Similarly, Owen Fiss has given three reasons for the failure of blacks to prosper through American democracy: They are a numerical minority, they have low economic status, and, "as a 'discrete and insular' minority, they are the object of 'prejudice'?that is, the subject of fear, hatred, and distaste that make it particularly difficult for them to form coalitions with others (such as the white poor)."182 According to both theories, blacks are unable to achieve substantial progress through regular electoral politics.183 Their only "democratic" route to success?coalition building with similarly situated groups?is blocked because other groups resist the stigma of the association. The stigma is powerful enough to prevent alignment with African-Americans even when a group?like low income whites?has similar interests.

#### Therefore, the roll of the ballot is to vote for the debater who provides the best methodology to liberate the oppressed.

#### The roll of the judge is to be an inclusive educator invested in the well-being of disadvantaged students.

#### I affirm the resolution. All I have to prove is jury nullification is a good idea the neg has to prove why its bad

#### 1. The aff is the status quo. Jury Nullification already exists, which means the affirmative cannot advocate for a shift from the squo. No affs are inherent on this topic. The resolution is simply a question of jury nullification and if it ought to be used, the affirmative should affirm that, and the negative should show why people shouldn’t nullify.

#### 2. There is no such thing as object fiat—the aff cannot fiat what jurors will perceive the injustice, and how they will perceive the injustice, that is literally fiating someone’s desires. That’s a logical reason why the aff should only be forced to defend if the resolution is true, not fiat some a literal person.

#### JURY NULLIFICATION IS THE WAY AFRICAN AMERICANS CAN FIGHT THE SYSTEM FROM WITHIN THE SYSTEM. IT IS THE RESISTANCE THAT IS NEEDED IN ORDER TO CHALLENGE THE HEGEMONIC STRUCTURES OF WHITE SUPREMACY THAT INVADE THE CRIMINAL JUSTICE SYSTEM.

Paul **Butler 2** Racially Based Jury Nullification: Black Power in the Criminal Justice System Source: The Yale Law Journal, Vol. 105, No. 3 , pp. 677-725 Published by: Yale Law Journal Company, Inc. Stable URL: http://www.jstor.org/stable/797197 Accessed: 27-10-2015 18:33 UTC Dec., 19**95**

In addition to individual white citizens, legislative bodies experience the Negrophobia described above. Professor Guinier defines such legislative racism as a pattern of actions [that] persistently disadvantagfes] a fixed, legislative minority and encompasses conscious exclusion as well as marginalization that results from "a lack of interracial empathy." It means that **where a prejudiced majority rules, its representatives are not compelled to identify its interests with those of the African American minority**.184 Such racism excludes blacks from the governing legislative coalitions. A permanent, homogeneous majority emerges, which effectively marginalizes minority interests and "transform[s] majority rule into majority tyranny."185 Derrick Bell calls this condition "democratic domination."186 Democratic domination undermines the basis of political stability, which depends on the inducement of "losers to continue to play the political game, to continue to work within the system rather than to try to overthrow it."187 **Resistance by minorities to the operation of majority rule may take several forms**, **including** "overt compliance and secret rejection ofthe legitimacy ofthe political order."188 I suggest that another form of this resistance is **racially based jury nullification**. If **African-Americans** believe that democratic domination exists (and the 1994 congressional elections seem to provide compelling recent support for such a belief189), they **should not back away from lawful self-help measures, like jury nullification, on the ground that the self-help is antidemocratic**.190 **African-Americans are not a numerical majority in any of the fifty states, which are the primary sources of criminal law**.191 In addition, they are not even proportionally represented in the U.S. House of Representatives or in the Senate.192 As a result**, African-Americans wield little influence over criminal law, state or federal. African-Americans should embrace the antidemocratic nature of jury nullification because it provides them with the power to determine justice in a way that majority rule does not**. A second distinction one might draw between the traditionally approved examples of jury nullification and its practice by contemporary African Americans is that, in the case of the former, jurors refused to apply a particular law, e.g., a fugitive slave law, on the grounds that it was unfair, while in the case of the latter, jurors are not so much judging discrete statutes as they are refusing to apply those statutes to members of their own race. This application of race consciousness by jurors may appear to be antithetical to the American ideal of equality under the law. This critique, however, like the "betraying democracy" critique, begs the question of whether the ideal actually applies to African-Americans. As stated above, racial critics answer this question in the negative.194 They, especially the liberal critics, argue that the criminal law is applied in a discriminatory fashion.195 Furthermore, on several occasions, the Supreme Court has referred to the usefulness of black jurors to the rule of law in the United States.196 In essence, **black jurors symbolize the fairness and impartiality of the law**. Here I examine this rhetoric and suggest that**, if the presence of black jurors sends a political message, it is right that these jurors use their power to control** or negate **the meaning of that message.** As a result of the ugly history of discrimination against African-Americans in the criminal justice system,197 the Supreme Court has had numerous opportunities to consider the significance of black jurors.198 In so doing, the Court has suggested that these jurors perform a symbolic function, especially when they sit on cases involving African-American defendants,199 and the Court has typically made these suggestions in the form of rhetoric about the social harm caused by the exclusion of blacks from jury service.200

#### AND, JURY NULLIFICATION REPRESENTS A VALUE OF BLACKNESS OVER THE LAW. NULLIFICATION IS A WAY IN WHICH BLACK PEOPLE CAN COGNITIVELY OPT OUT OF THE AMERICAN CRIMINAL LAW SYSTEM BY USING THE LEGAL VALIDITY OF JURY NULLIFICATION TO ENGAGE IN CIVIL DISOBEDIENCE. NULLIFICATION REPRESENTS BLACK PEOPLE HELPING THEIR OWN COMMUNITY, BY TAKING ACTION THEMSELVES AND NOT DEPENDING ON ANY LEGAL REFORM TO DO IT FOR THEM.

Paul **Butler 3** Racially Based Jury Nullification: Black Power in the Criminal Justice System Source: The Yale Law Journal, Vol. 105, No. 3 , pp. 677-725 Published by: Yale Law Journal Company, Inc. Stable URL: http://www.jstor.org/stable/797197 Accessed: 27-10-2015 18:33 UTC Dec., 19**95**

But what of the black juror who endorses racial critiques of American criminal justice? Such a person holds no "confidence in the integrity of the criminal justice system." If she is cognizant of the implicit message that the Supreme Court believes her presence sends, she might not want her presence to be the vehicle for that message. Let us **assume that there is a black defendant who, the evidence suggests, is guilty of the crime with which he has been charged, and a black juror who thinks that there are too many black men in prison.** **The black juror has two choices: She can vote for conviction, thus sending another black man to prison** and implicitly allowing her presence to support public confidence in the system that puts him there, **or she can vote "not guilty," thereby acquitting the defendant,** or at least causing a mistrial**. In choosing the latter, the juror makes a decision not to be a passive symbol of support for a system for which she has no respect**. **Rather than signaling her displeasure with the system by breaching "community peace," the black juror invokes the political nature of her role in the criminal justice system and votes "no**." In a sense, **the black juror engages in an act of civil disobedience, except that her choice is better than civil disobedience because it is lawful**.209 Is the black juror's race-conscious act moral? Absolutely. It would be farcical for her to be the sole color-blind actor in the criminal process, especially when it is her blackness that advertises the system's fairness.210 At this point, **every African-American should ask herself whether the operation of the criminal law in the United States advances the interests of black people. If it does not, the doctrine of jury nullification affords African American jurors the opportunity to control the authority of the law over some African-American criminal defendants. In essence, black people can "opt out" of American criminal law.**

#### AND, JURY NULLIFICATION HAS ITS ROOTS IN HISTORY. IF THE 1NC GETS UP AND SAYS WHITE NULLIFICATION IS BAD, THAT’S NON UNIQUE SINCE IT HAS ALREADY HAPPENED AND WILL CONTINUE TO HAPPEN BECAUSE THAT’S JUST HOW WHITE PEOPLE ARE. BUT WE SHOULD RECOGNIZE WHEN BLACK PEOPLE HAVE BEEN ABLE TO USE IT, FOR EXAMPLE AGAINST FUGITAVE SLAVE ACTS, WE SHOULD USE THAT EXAMPLE TO SHOW HOW A DEMOCRATICALLY LAW LIKE THE SLAVE ACT WAS SUBVERTED BY BLACK NULLIFICATION, A PROCESS LIKE THAT MUST BE ENACTED TODAY TO WITH THE WAR ON DRUGS.

Paul **Butler 4** Racially Based Jury Nullification: Black Power in the Criminal Justice System Source: The Yale Law Journal, Vol. 105, No. 3 , pp. 677-725 Published by: Yale Law Journal Company, Inc. Stable URL: http://www.jstor.org/stable/797197 Accessed: 27-10-2015 18:33 UTC Dec., 19**95**

Any juror legally may vote for nullification in any case, but, certainly, jurors should not do so without some principled basis. **The reason that some historical examples of nullification are viewed approvingly is that most of us now believe that the jurors in those cases did the morally right thing; it would have been unconseionable**, for example, **to punish those slaves who committed the crime of escaping to the North for their freedom. It is true that nullification later would be used as a means of racial subordination by some Southern jurors**,155 **but that does not mean that nullification in the approved cases was wrong. It only means that those Southern jurors erred in their calculus of justice**. I distinguish racially based nullification by African-Americans from recent right-wing proposals for jury nullification156 on the ground that the former is sometimes morally right and the latter is not. The question of how to assign the power of moral choice is a difficult one. Yet **we should not allow that difficulty to obscure the fact that legal resolutions involve moral decisions, judgments of right and wrong. The fullness of time permits us to judge the fugitive slave case differently than the Southern pro-white-violence case.** One day **we will be able to distinguish between racially based nullification and that proposed by certain right-wing activist groups**.157 We should remember that the morality of the historically approved cases was not so clear when those brave jurors acted. After all, **the fugitive slave law was enacted through the democratic process, and those jurors who disregarded it subverted the rule of law.** Presumably, they were harshly criticized by those whose interests the slave law protected. Then, as now, it is difficult to see the picture when you are inside the frame. In this section, I explain why African-Americans have the moral right to practice nullification in particular cases.158 I do so by responding to the traditional moral critiques of jury nullification.

#### AND, JURY NULLIFICATION IS PART OF A LARGER SOCIAL MOVEMENT OF UNDERMINING HOW TRADTIONAL CRIMINAL JUSTICE FUNCTIONS IN AMERICAN DEMOCRACY. BLACK JURORS NULLIFYING BLACK JURORS IS KEY FOR THIS TO SUBVERT THE ENTIRE AMERICAN CRIMINAL JUSTICE SYSTEM AS WE KNOW IT.

Paul **Butler 5** Racially Based Jury Nullification: Black Power in the Criminal Justice System Source: The Yale Law Journal, Vol. 105, No. 3 , pp. 677-725 Published by: Yale Law Journal Company, Inc. Stable URL: http://www.jstor.org/stable/797197 Accessed: 27-10-2015 18:33 UTC Dec., 19**95**

**My goal is the subversion of American criminal justice, at least as it now exists. Through jury nullification, I want to dismantle the master's house with the master's tools**. **My intent**, however, **is not purely destructive; this project is also constructive, because I hope that the destruction of the status quo will not lead to anarchy, but rather to the implementation of certain noncriminal ways of addressing antisocial conduct.** Criminal conduct among AfricanAmericans is often a predictable reaction to oppression. **Sometimes black crime is a symptom of internalized white supremacy; other times it is a reasonable response to the racial and economic subordination every African-American faces every day.** **Punishing black people for the fruits of racism is wrong if that punishment is premised on the idea that it is the black criminal's "just deserts."** Hence, the new paradigm of justice that **I** suggest in Part III rejects punishment for the sake of retribution and endorses it, with qualifications, for the ends of deterrence and incapacitation. In a sense, this Essay simply may **argue for the return of rehabilitation as the purpose of American criminal justice, but a rehabilitation that begins with the white-supremacist beliefs that poison the minds of us all you, me, and the black criminal**. I wish that black people had the power to end racial oppression right now. **African-Americans can prevent the application of one particularly destructive instrument of white supremacy**. **American criminal justice to some African-American people, and this they can do immediately**. I hope that this Essay makes the case for why and how they should.11

#### AND, OUR ARGUMENT ISN’T JUST THEORETICAL. WHEN BLACK JURORS HAVE BEEN ON PANELS, THEY HAVE CONSIOUSLY AQUITTED MORE BLACK DEFENDENTS—STUDIES PROVE.

Adam **Liptak** <http://www.nytimes.com/2015/08/17/us/politics/exclusion-of-blacks-from-juries-raises-renewed-scrutiny.html?_r=0> Exclusion of Blacks From Juries Raises Renewed Scrutiny Adam Liptak is the Supreme Court correspondent of The New York Times. August 6th, 20**15**

**No defendants were acquitted when two or fewer of the dozen jurors were black. When there were at least three black jurors, the acquittal rate was 12 percent. With five or more, the rate rose to 19 percent. Defendants in all three groups were overwhelmingly black. Excluding black jurors at a disproportionate rate does more than hurt defendants’ prospects** and undermine public confidence, said Ursula Noye, a researcher who compiled the data for the report. “Next to voting,” she said, “**participating in a jury is perhaps the most important civil right.”**

**UV**

#### White philosophers should not theorize about what black people should do. They can state statistics, facts, and studies, but if they dare introduce their proposals for what black people should do then they should be rejected on face because white people thinking what’s right for black people is the logic that justifies colonialism your author’s race influences their argument.

George **YANCY**; Prof of Philosophy @ Duquesne University “Black Bodies, White Gazes *THE CONTINUING SIGNIFICANCE OF RACEJournal of Speculative Philosophy* 19.4 (2005) 215-241 20**08**

I write out of a personal existential context. This context is a profound source of knowledge connected to my "raced" body. Hence, I write froma place of lived embodied experience a site of exposure**. In philosophy,** the only thing that we are taught to expose is a weak argument, a fallacy, or someone’s “inferior” reasoning power**. The embodied self is bracketed and deemed irrelevant to theory,** superfluous and cumbersome in one's search for truth. It is best, or so **we are told, to reason from nowhere.** Hence, **the white philosopher/**author**presumes to speak for all of “us” without** the slightest **mention of his or her “raced” identity.**Self-consciously writing as a white male philosopher, Crispin Sartwell observes:  Left to my own devices, I disappear as an author. That is the **"whiteness" of** my **authorship**. This whiteness of authorship **is,** for us**, a form of authority; to speak** (apparently) **from nowhere, for everyone, is empowering,** though one wields power here only by becoming lost to oneself. But such an authorship and authority is also pleasurable: **it yields the pleasure of self-forgetting** or apparent transcendence of the mundane and the particular, and the pleasure of power expressed in the "comprehension" of a range of materials.(1998, 6)  To theorize the Black body one must "turn to the [Black] body as the radix for interpreting racial experience" (Johnson [1993, 600]). It is important to note that this particular strategy also functions as a lens through which to theorize and critique whiteness; for the Black body's "racial" experience is fundamentally linked to the oppressive modalities of the "raced" white body. However, there is no denying that my own "racial" experiences or the social performances of whiteness can become objects of critical reflection. In this paper, my objective is to describe and theorize situations where**the Black body's** subjectivity, its ***lived* reality, is reduced to instantiations of the white imaginary,** resulting in what I refer to as "the phenomenological return of the Black body." These instantiations are **embedded within** and evolve out of **the** complex **social and historical interstices of whites' efforts at self-construction** through complex acts of erasure **vis-à-vis Black people.** These acts of self-construction, however, are myths/ideological constructions predicated upon maintaining white power. As James Snead has noted, "Mythification is the replacement of history with a surrogate ideology of [white] elevation or [Black] demotion along a scale of human value"(Snead 1994,

## Overview

The Butler 1 evidence indicates the law is unjust; the cook 14 evidence shows how that unjust law has affected black Americans in terms of more conviction rates that should be the framing you keep in your mind. Law is unjust, unjust law affects black people. The question now is what we can do about this harsh reality. The 1ac deposits a bottom up approach, fighting the system from within, because we understand that top down approaches like reform only lead to more convictions. If we win that a bottom up methodology to challenge the CJS is a good thing then that’s how you frame the round.

## Frontlines

### AT Prosecutorial CP

#### More power to them not us c/a butler 3 and 5

#### This doesn’t solve the aff- prosecutors are not part of a larger social movement

### AT White Nullification Bad

#### 1. This argument is non unqiue- white people have done whatever they wanted since the beginning of time, me reading this aff isn’t going to make them nullify any worse then they have done with clan members or George zimmeran – this DA is not unqiue to the aff

#### 2. White nullification is not sufficient to vote neg—C/A butler 5 that the aff is part of a larger social movement to undermine traditional American democracy- as long as we win black people nullifying black people is a good idea, that’s a reason to vote aff.

#### 3. TURN. WHY ARE YOU SO CONCERNED WITH WHITE PEOPLE—Literally there saying white people did something bad by nullifying, so vote neg cause white people did something bad—this is a turn because I read 6 minutes of black people nullifying good and you wanna focus on white people C/A butler 3 its up to us to reform our communities but you just want to talk about white folk

#### 4. Drug laws disproportionately affect black people but also affect white people, Paul Butler has no issue with white jurors nullifying correctly

Butler:

One concern is that whites will nullify in cases of white-on-black crime. The best response to this concern is that often white people do nullify in those cases. The white jurors who acquitted the police officers who beat up Rodney King are a good example. **There is no reason why my proposal should cause white jurors to acquit white defendants who are guilty of violence against blacks any more frequently**. My model assumes that black violence against whites would be punished by black jurors; I hope that white jurors would do the same in cases involving white defendants. **If white jurors were to begin applying my proposal to cases with white defendants, then they, like the black jurors, would be choosing to opt out of the criminal justice system. For pragmatic political purposes, that would be excellent.** Attention would then be focused on alternative methods of correcting antisocial conduct much sooner than it would if only African-Americans raised the issue.

### AT Court Clog

#### No impact- extinction has already happened for black bodies that are tortured and enslaved in the PIC, any risk of offense of the aff outweighs the DA

**Omolade** a historian of black women for the past twenty years and an organizer in both the women’s and civil rights/black power movements 19**84**Barbara; Women of Color and the Nuclear Holocaust; WOMEN’S STUDIES QUARTERLY, Vaol. 12., No. 2, Teaching about Peace, War, and Women in the Military, Summer, p. 12; <http://www.jstor.org/stable/4004305> City College Center for Worker Education in New York City

In April, 1979, the U.S. Arms Control and Disarmament Agency released a report on the effects of nuclear war that concludes that, **in a** general **nuclear war between the United States and the Soviet Union, 25 to 100 million people would be killed. This is approximately the same number of African people who died between 1492 and 1890 as a result of the African slave trade to the New World.** The same federal report also comments on the destruction of urban housing that would cause massive shortages after a nuclear war, as well as on the crops that would be lost, causing massive food shortages. Of course, for people of color the world over, starvation is already a common problem, when, for example, a nation’s crops are grown for export rather than to feed its own people. And the housing of people of color throughout the world’s urban areas is already blighted and inhumane: families live in shacks, shanty towns, or on the streets; even in the urban areas of North America, the poor may live without heat or running water. **For people of color, the world** as we knew it **ended centuries ago. Our world,** with its own languages, customs and ways**, ended. And we are** only now **beginning to see** with increasing clarity **that our task is to reclaim that world, struggle for it, and rebuild it in our own image. The “death culture” we live in has convinced many to be more** concerned with death than with life, more **willing to demonstrate for “survival at any cost” than to struggle for liberty and peace with dignity. Nuclear disarmament becomes a safe issue when it is not linked to the daily and historic issues of racism,** to **the ways in which people of color continue to be murdered. Acts of war, nuclear holocausts, and genocide have already been declared on our jobs, our housing, our schools, our families, and our lands.** As women of color, we are warriors, not pacifists. We must fight as a people on all fronts, or we will continue to die as a people. We have fought in people’s wars in China, in Cuba, in Guinea-Bissau, and in such struggles as the civil rights movement, the women’s movement, and in countless daily encounters with landlords, welfare departments, and schools. These struggles are not abstractions, but the only means by which we have gained the ability to eat and to provide for the future of our people. We wonder who will lead the battle for nuclear disarmament with the vigor and clarity that women of color have learned from participating in other struggles. Who will make the political links among racism, sexism, imperialism, cultural integrity, and nuclear arsenals and housing? Who will stand up?

#### Also- extinction doesn’t link under the aff’s fw, no reason why util comes first, which means we look to material conditions, exitinction doesn’t link into that, your da has nothing to do with the framing of the aff

### AT You must fiat

#### I defend the resolution as a truth statement. The aff has to prove why jury nullification is a good idea, the neg has to prove why it is a bad idea. Here are 3 reasons to prefer:

#### 1. The aff is the status quo. Jury Nullification already exists, which means the affirmative cannot advocate for a shift from the squo. No affs are inherent on this topic. The resolution is simply a question of jury nullification and if it ought to be used, the affirmative should affirm that, and the negative should show why people shouldn’t nullify.

#### 2. There is no such thing as object fiat—the aff cannot fiat what jurors will perceive the injustice, and how they will perceive the injustice, that is literally fiating someone’s desires. That’s a logical reason why the aff should only be forced to defend if the resolution is true, not fiat some a literal person.

#### 3. The resolution poses a question of individual consciousness- should people nullify. This is not why plans are bad—plans are awesome but there is no way to read a plan on this topic because there is no way to fiat what people should do, especially if the aff is not inherent. This means the question is not what we change, but should we advocate what is in the status quo.

### AT Rule of Law

#### Court cases make new laws anyway and jury decisions don’t create precedent, so they’re not undermining established law

Brooks 04

Thom, prof of law and gov’t @ Durham, “A Defence of Jury Nullification,” Res Publica 10, 2004, [[Premier](http://www.premierdebate.com), [Premier Debate Today](http://www.premierdebatetoday.com), [Sign-Up Now](http://www.premierdebate.com/apply/)]

Nevertheless, the idea that the court’s function is to apply, not create, the law is popular in both civil and common law jurisdictions.74 In civil law jurisdictions such as France and Germany, there is not a strict doctrine of precedent: the law can be applied with some variation in identical cases by the courts.75 The argument is that **the creation of judicial precedent effectively creates new laws. For example, abortion was made legal in all fifty American states not by legislative mandate, but by the high court decision Roe v Wade.76 Thus the use of judicial precedent may in effect ‘make new laws’, although it is important to note the fact that the decisions of juries do not offer any precedent.**

#### Law is unchanged and the rule of law is not undermined

Brooks 04

Thom, prof of law and gov’t @ Durham, “A Defence of Jury Nullification,” Res Publica 10, 2004, [[Premier](http://www.premierdebate.com), [Premier Debate Today](http://www.premierdebatetoday.com), [Sign-Up Now](http://www.premierdebate.com/apply/)]

**More importantly, opponents of jury nullification are wrong to claim that nullification may undermine both the rule of law81 and democracy by ‘thwarting the will of the legislature’82 because the decision of how best to apply particular laws in criminal trials is not legislative at all.83** Indeed, Dorfman and Iijima argue that ‘[**a] jury’s decision to allow a lawbreaker to go free does not compromise the integrity of the rule of law any more than the decision of an individual police officer or prosecutor not to arrest or prosecute a lawbreaker prior to trial’.84** Furthermore, M. B. E. Smith is right to say that **‘[n]ullification suspends intact some part of the law that applies to a particular case; it leaves that law unchanged’.85**

### AT Leiopold

This premise of this article is racist as hell—I’m about to read the bottom half in which this guy exposes his whiteness.

**The final concern I have** is at the broadest philosophical level. It is a comment that **makes me very sad** to have to raise at all: **whether you go to jail or get set free should not depend on the color of your skin. Using race as the reason for acquitting or convicting is a bad idea, and no matter how strategic the reasoning and no matter how good our intentions, it is still wrong. It is wrong because it encourages the kind of stereotyping that had led to problems in the first place. It is wrong because we are telling people that they will never get equal justice in the courts and so you should take whatever you can get**, however you can get it, and be satisfied with that. In short, the plan raises the flag of surrender in the fight for equal justice under the law

#### Well hey Andrew Leipold, if it makes you very sad then it is probably because you don’t have to deal with the material conditions of blackness. This entire article is premised of the idea of the rule of the law, and how even though black people are disproportionately affected, we cannot break the rule of law. C/A Butler 1 evidence- the framing issue of the round is that if unjust laws exist, something had to be done about it, This article is uniquely problematic when it absolutely dismisses how the law is constructed in blackness which means this is entire article should be rejected

#### EXTEND YANCY ON THIS WHITE MAN—IF YOU DON’T EVEN THINK RACE MATTERS IN THE CJS YOU SHOULDN’T BE SAYING WHAT BLACK PEOPLE OUGHT TO DO

#### AT They will get struck off panels actively-

**1. This is not a turn- this is a description of the status quo- Blakc people are already being struck off panels, were black jurors on the panels of George Zimmerman no, but the aff understands that we are stuck within this society- the question is in the instance where black juorrs do get on the panel, what should we do, if you think they should nullify, then that’s why you vote aff. Remember this s a question of the truth of the resolution, we say its true. Also, C/A Liptak 15- empirically black people have been on panels and acquitted so your argument is not unique**

#### AT Backlash

**1. Nonunique- Leopolds justification for black lash is jury nullification, but what about backlash for just being black? Does Missouri not prove this already? if it’s not jury nullification its picking up a toy gun at Walmart, IT CANNOT GET ANY WORSE, IF THE AFF HAS A RSK OF SAVING SOME BLACK LIVES YOU VOTE AFF.**

#### AT Drug Industry

His argument is black people will be nullified and then just keep selling more drugs because they know they will be nullified –

1. TURN. You literally assume all black drug dealers who had to deal at one point in their life will deal drugs later, this is essentializing all blackness as drug dealers.

2. IMPACT TURN- let them keep selling drugs and do what they need to do- C/A butler 5 im quoting the card **Sometimes black crime is a symptom of internalized white supremacy; other times it is a reasonable response to the racial and economic subordination every African-American faces every day.-** Selling drugs is a result of the fact that balck people are systematically trapped into the gettho places like Newark Compton, Detroit, if they need to sell drugs to survive since the government doesn’t care about them then let them sell it.

He continues:

**I think Professor Butler has minimized the extent to which courts have made significant-not perfect, not complete-but significant progress over the last twenty years in freeing the justice system of bias. Is there a long way to go? Absolutely, However, is it right to say that the system will never work, so we should abandon efforts to make this a system of laws and not of individuals, and use race as a proxy for blameworthiness?** My hope is that African-American jurors, indeed all jurors, are smart enough to see that this is not the answer. Whatever the problem and whatever the answer might be, this surely is not it.

#### TURN. White philosophers and white philosophies like always respecting the law is a view from nowhere

George **YANCY**; Prof of Philosophy @ Duquesne University “Black Bodies, White Gazes *THE CONTINUING SIGNIFICANCE OF RACEJournal of Speculative Philosophy* 19.4 (2005) 215-241 20**08**

I write out of a personal existential context. This context is a profound source of knowledge connected to my "raced" body. Hence, I write froma place of lived embodied experience a site of exposure**. In philosophy,** the only thing that we are taught to expose is a weak argument, a fallacy, or someone’s “inferior” reasoning power**. The embodied self is bracketed and deemed irrelevant to theory,** superfluous and cumbersome in one's search for truth. It is best, or so **we are told, to reason from nowhere.** Hence, **the white philosopher/**author**presumes to speak for all of “us” without** the slightest **mention of his or her “raced” identity.**Self-consciously writing as a white male philosopher, Crispin Sartwell observes:  Left to my own devices, I disappear as an author. That is the **"whiteness" of** my **authorship**. This whiteness of authorship **is,** for us**, a form of authority; to speak** (apparently) **from nowhere, for everyone, is empowering,** though one wields power here only by becoming lost to oneself. But such an authorship and authority is also pleasurable: **it yields the pleasure of self-forgetting** or apparent transcendence of the mundane and the particular, and the pleasure of power expressed in the "comprehension" of a range of materials.(1998, 6)  To theorize the Black body one must "turn to the [Black] body as the radix for interpreting racial experience" (Johnson [1993, 600]). It is important to note that this particular strategy also functions as a lens through which to theorize and critique whiteness; for the Black body's "racial" experience is fundamentally linked to the oppressive modalities of the "raced" white body. However, there is no denying that my own "racial" experiences or the social performances of whiteness can become objects of critical reflection. In this paper, my objective is to describe and theorize situations where**the Black body's** subjectivity, its ***lived* reality, is reduced to instantiations of the white imaginary,** resulting in what I refer to as "the phenomenological return of the Black body." These instantiations are **embedded within** and evolve out of **the** complex **social and historical interstices of whites' efforts at self-construction** through complex acts of erasure **vis-à-vis Black people.** These acts of self-construction, however, are myths/ideological constructions predicated upon maintaining white power. As James Snead has noted, "Mythification is the replacement of history with a surrogate ideology of [white] elevation or [Black] demotion along a scale of human value"(Snead 1994,

Now if the premise of this article is a view form nowhere that means the turns don’t apply since we can’t let white people dictate how black people should act- c/a the butler 5 evidence that the entire premise of racially based jury nullification is for black people to help black people in their communities—don’t let some wealthy white professor explain how black people should act

### AT Fed DA and States CP

#### Theory

#### Doesn’t solve the aff

#### MUST BE NATIONAL TO CREATE VALUE CHANGES

### AT Security K

#### This is abstract

#### Yes state will reaffirm itself, don’t defend ethicality of state, just that state the only thing that can change anything, curry 14

#### Other movements mean nothing

THE ROLE OF THE GOVERNMENT IS INEVITABLY IMPORTANT – It is the only avenue in which we can break down the institutional effects of racism

FRANKLIN James B. Duke Professor Emeritus of History Duke University 1993

John Hope-1985-1992 was Professor of legal History in the Law School at Duke University; *THE COLOR LINE: Legacy for the Twenty First Century*; p. 73-74

We now live in an age when the role of government is inevitably important whether we are referring to preschool education in Seattle or the aircraft industry in that area, whether we are talking about welfare in Detroit or the creaky, wavering automotive industry there. What we need so desperately is the assumption of responsibility at the highest levels in the public and private sectors to make a strong pitch for the elimination of the uglier aspects of the color line so that we can have a healthier, happier, even gentler society. We need to appreciate the importance of legislation, judicial decisions, and executive orders in setting the stage for eliminating the color line. Without them it is not possible for individuals or groups of individuals, however dedicated, to make a good-faith and successful effort to eliminate the color line. Yet we cannot expect too much of these public efforts, important as they are. These public efforts must be combined with private efforts to promote mutual respect and a willingness to make judgments of others based on what they have done and can do, and not on who they are. If we can somehow teach ourselves these lessons in human relations, perhaps we can take the first feeble steps toward creating the kind of community about which some of our forebears spoke and wrote, and the kind of nation about which so many of us have dreamed but never realized

#### Policymaking discussion is better than micro political discussions when the policies attack values. Even if the policy doesn’t pass, the scholarship from how that policy can actually change values to those who the policies affect is the best discussion and as per our curry evidence- the most production

#### This discussion is not abstract it is rooted in practical reality of those who suffer from depression- dealing with material conditions good- state will always be bad- what can we do to change how the state operates

### AT Abelism

#### Perm- we need to have a critical race study alongside their Kritik. Their analogy of ableism to other forms of oppression glosses over unique difference and recreates the violent gaze they seek to solve- turns the Kritik Beth FERRI-, Professor at Syracuse University “A Dialogue we’ve Yet to Have: Race and Disability Studies”-online- 2010 According to Bakhtin, explanation requires only one consciousness, while understanding requires two (Hohne&Wussow, 1994). Thus, understanding requires that we both orient ourselves to the particular context of the “other” and engage in dialogue across our differences (Morris, 1994)—an engagement infused with multiplicity and productive tension. This does not involve speaking to or for one another—but entering into a more dialogic engagement across difference. Certainly there are many connections between disability studies and critical race studies. As a group, scholars in both fields are not so much cohesive in terms of focus or methodology as they are committed to a shared interest in social justice (Bell, 2009). Both disability studies and critical race studies place ideology at the center of their analyses—exploring ways that ableism and/or racism are deeply engrained in the very structures of society(Parker & Lynn, 2009). Both reject biological determinism and view race and/or dis/ability as socially constructed, ever shifting in terms of meaning and shaped by intersecting political, social, and historical contexts. Finally, both fields value narrative and counter-narrative (Parker & Lynn, 2009), not simply as expressions of lived experience, but as important sites of knowledge production to resist hegemonic representations that valorize individuals, groups, and bodies of knowledge deemed “normal” and marginalize the “other.” Yet, despite these and other similarities, scholars in critical race studies and disability studies have yet to engage in any sustained dialogue about the interconnections between ableism and racism. Of course, we should not assume that these groups would agree on either the source of the problem or its solution. Thus, what is needed is not simply a cursory attending to race or ethnicity, but a sustained and careful analysis of the ways racism and ableism are interdependent. Unfortunately, too often, when scholars or activists do attempt to combine analyses of race and disability or gender and disability, they do so by analogizing between the two or placing these systems of oppression in a hierarchy (May & Ferri, 2005). This amounts to placing one type of oppression as overarching or as foundational to all others. A common claim is that disability cuts across all the other forms of oppression. Moreover, because anyone can acquire disability it is therefore thought to be more universal, as opposed to the particular interests of race or gender,I suppose. I admit to being puzzled by these assumptions. Don’t race, gender, and sexuality, for example, cut across social class? Moreover, what is universal about disability experience—Is there really one disability experience or isn’t it mediated by the particular social, historical, and political context? A slightly different approach attempts to garner attention to one type of oppression by linking it to another, usually through analogy. Consider a bumper stickerthat reads something like, “Black people had to fight for the right to ride in the front of the bus, but we can’t even get on the bus.” Other examples use terms like being “shackled” by ableism or “crippled” by racism. These analyses ignore the ways that racism and ableism are dissimilar—ways that they cannot or should not be seen as interchangeable or analogous. Moreover, they all but erase those who experience racism and ableism simultaneously—a point cogently raised in the germinal collection of essays, All the Women Are White, All the Blacks are Men, But Some of Us Are Brave: Black Women’s Studies (Hull, Scott, & Smith, 1982). Another approach focuses on the “double jeopardy” of race and gender (Beale, 2008); or, disability and gender (Rousso&Wehmeyer, 2001); or, race/ethnicity and disability (Fierros& Conroy, 2002); or, the “triple jeopardy” of race, gender, and sexuality (Bowleg et al., 2003; King, 1988); or, gender, race, and disability (Demas, 1993). Although these analyses are preferable to ones that completely ignore the intersection of race and disability, for instance, they run the risk of oversimplifying interlocking and multiple systems of oppression by offering a false sense of equivalency among different forms of oppression (Carbado, 1999). In other words, if we think about various forms of oppression and privilege from this model, anyone can be and often is multiply situated by diverse forms of privilege and oppression. This, however, is not to say that all forms of oppression are equivalent or interchangeable—a form of “conceptual tidiness” that Spelman (1988) rightly critiques. Thus, although one may experience heterosexual privilege, this should not be construed as similar to the ways someone else might experience racial privilege or class privilege. Neither will our experiences of one form of oppression (ableism or homophobia, for example) be analogous to someone else’s, particularly if we live in very different circumstances because of race or social class, for example. Finally,disability studies scholars have yet to grapple with the ways that disability has functionedas a “discursive tool for exercising white privilege and racism” (Blanchett, 2006, p. 24), as well asnormative gender and sexual practices. Perhaps it is because of these many ways that attempts to “do” intersectionality can and often do go wrong that scholars have come to see this work as impossible and simply avoid it.It is telling, for instance, to pick up a disability studies book and search the index for terms like race or ethnicity. Even if you find these terms, the analysis will often be brief and superficial—the “embarrassing etcetera” (Butler in Zerilli, 2004) tacked on at the end of a list of more central oppressions. Likewise, you will most likely see a similar dearth of attention to disability or ableism in books that focus on critical race studies, leaving disability to be defined as asocial, apolitical, and ahistorical. Evoking biological determinism and deficit notions of disability, critical race theorists have sought to distance themselves from any association with disability (Erevelles et al., 2006).

**1. They use a system of identifying disability that privileges a social model of conceptualizing impairment that marginalizes those with non-apparent impairments. This leads to a system where either disabled individuals have to self-identify with disability that stigmatizes those that don’t appear “disabled enough” or it outright excludes them from their alternative. The question of who “counts” as disabled is the key question to resolve the efficacy of the alternative.  
  
Jill C.HUMPHREY, (Faculty of applied social science, the Open University, Researching disability politics, or, some problems with the social model in practice, Disability & Society 15.1)2000 The danger here is that the political principles of more powerful disabled actors can be prioritised over the personal perceptions of less powerful disabled actors until the principle of self-definition lapses into self-contradiction: DW [W]e work with a lot of disabled people who are not interested in the social model or anything like that. What we've said is we won't use the language they've asked us to use about them—we'll just call them their name—it's not that difficult—you don't have to refer to that language necessarily, because you have to hold on to your principles as well. Second, we can witness the *silencing* of impairments, as impairment is relegated to a clandestine and privatised space, an effectwhich Hughes & Paterson (1997) have attributed to the social model, and its dualism between impairment and disability. Whilst some interviewees were explicit about their impairments, these were people with apparent impairments in any event. One interlocutor enshrouded her impair­ments in layers of secrecy so that after 2 hours of otherwise frank and detailed dialogues I was still bemused as to which impairments she had experienced. Whilst I was led to believe that different impairments had impacted differently upon her career in workplaces, trade unions and civil rights politics, the discursive absence around impairments in their specificity prevented me from developing an accurate or adequate understanding of her narrative: JCH: I find it interesting that you had, like, an invisible impairment that became, kind of, visible— DW: No, that was a *different thing.* JCH: Oh, that was a *different* thing—right. W: So then I was diagnosed as having something completely different. I've still got *this other things* but at the moment it's not so visible. (Emphases added.) At the time, my concerns that explicit interrogations could become oppressive intrusions meant that I accepted the veil of ignorance and castigated myself for my curiosity. Subsequently, I discovered that it was not just 'outsiders' who could be perplexed by these 'impairments with no name'. A blind man discussed his frus­tration with other disability activists who challenged his inquiries as to the nature of their impairments—his standard reply was that it was an access issue not only for him, in virtue of his blindness, but also for them, in virtue of his role as a service-provider and access advisor. At the same time, this interviewee exhibited a more general awareness that both disability politics and disability theory had been dominated by people with particular disability identities like his own: DM: It's very *convenient* for people with *apparent* disabilities or impair­ments to operate a social model which says. 'We don't want to discuss things in terms of 'impairments'. Because these people have got priority anyway, and impairment-related provision[in UNISONJ ... The trouble with it [thesocial model] is that it's very difficult ... for people with learning difficulties or other conditions ... which are not catered for ... to raise their concerns as things which need dealing with on a service level, without feeling that they're *breaking the law* and *talking about impairments.*Third, the right to self-define as disabled has as its logical corollary the duty to accept others' self-definitions, but suspicions that people are not who they claim to be circulate around the disabled communityin UNISON. Casting aspersions upon the purported disability of other group members in veiled or outright manners, with or without names attached, arose spontaneously during interviews. In my naivete, I neither comprehended nor challenged this at the time, but from re-reading and de-coding interview transcripts, I can discern three themes as follows: a self-defined disabled person may be suspected of not being disabled when they harbour a non-apparent impairment, and/or express views which diverge from the prevailing consensus, and/or simultaneously belong to one of the other self-organised groups. These themes, in turn, suggest the operation of hierarchies of impairments, ortho­doxies and oppressions,respectively. This is a strange juncture, where the propensity to treat only tangible impairments as evidence of a *bona fide* disability identity clearly marginalises those with non-apparent impairments, such as learning or mental health ones, whilst the reluctance or refusal to differentiate between impairments by identifying them bolsters up the claims by people with apparent impairments that they represent all disabled people.The twist in the tale is that when other disabled people do become visible and audible in interrogating the hierarchy of impairments. they may find themselves once again marginalised as the other hierarchies of orthodoxies and oppressions come into play. For one thing, people with learning or mental health difficulties may speak with a different voice, given the qualitatively different *stigmata* attached to different impairments and given the fact that the social model has been developed by those with physical impairments, so that their contributions may be interpreted as deviating from prevailing orthodoxies. For another, people who belong to another oppressed group may be all too visible in their difference, but their blackness or gayness may be construed as detracting from their contributions as disability activists, given the propensities of each group to prioritise its own specific identification-discrimination nexus. The following intervie­wee testifies to some of these dynamics: DM: People have *the right to self-define.* But what we've never said is who has got *the right to challenge.* So if somebody says 'I'm a disabled person; I've come to this disability group' I don't know how you can deal with your *suspicion that they're not.* In fact you *can't* deal with it. And you have to ask yourself why you *want* to deal with it ... [names mentionedj ... But I'm absolutely convinced that there are lots of people who *don't* come to groups because they're frightened that they don't *look* disabled enough.Indeed, this hierarchy of impairments and this 'policing' of the disability identity does act to excludeUNISON members who believe that they experience the disabling effects of an impairment, but who suspect that they would not 'count' as disabled people according to the prevailing criteria in the disabled members' group. Evidence for this emerged during a detailed case-study of the lesbian and gay group, and two examples should suffice. The first example is of a lesbian who had been dyslexic since childhood, who had experienced a range of discriminations in edu­cation, employment and everyday life, and who was registered as disabled with the Department of Employment. She sought to engage in her local disabled members' group, but disengaged after the first meeting: DL: I'm also disabled with an invisible disability, dyslexia ... I have to educate people about dyslexia as well ... An invisible disability is very difficult for people to cope with—you have to tell each new person, and then they each interpret it differently, and then they can forget ... And it's a fluid disability as well—it's manageable sometimes and unmanageable other times ... and people can't deal with that either ...' JCH: Did you ever go to the disabled members' group? DL: I did. And I got *stared at* when I walked in. By people who really should know better. JCH: Sorry. Why did you get stared at? This is not obvious to me! DL: Because I didn't *look* like I was disabled. The second example is, perhaps paradoxically, someone whose impairment was visible, but who dared not join the disabled members' group on the grounds that it was not 'severe' enough to be taken seriously by other group members. The impairment in question was skin allergies over her entire body, including facial disfigurement which is recognised under the Disability Discrimination Act 1995, as one of its few token gestures towards the social model of disability (Hqual Opportu­nities Review, 1996). Nevertheless, this interviewee's self-definition as disabled was confounded and then crushed by her convictions that disability activists would define her as non-disabled: DL: 'I get quite *bitter* sometimes. I don't think I'm disabled, because I don't think that what I've got prevents me from functioning, or society doesn't prevent me from functioning. But it probably *does* ... And my skin tissue scars very easily, and I've got visible marks on my face, and people *do* look, and I *do* feel conscious of it, and I'm *made* to feel conscious of it. But I would feel like I was—what's the word?—an *impostor* if I attended a disability caucus for those reasons. I feel that the disability caucus excludes people like that ... Nobody takes things like that into account. JCH: The crazy thing is, that until people like you get involved in the disability movement in the union, then they *won't take* things like that into account! But that does put a big burden on *you*—or on people in your position—to come out and say 'Hey! We're here too! What about us?' DL: But I feel like mine is a *minimal* complication. Or whether I'm *made* to feel that way ...? The argument here is that the social model as operationalised within the UNISON group has both reified the disability identity and reduced it to particular kinds of impairments—physical, immutable, tangible and 'severe' ones—in a way which can deter many people from adopting a disabled identity and participating in a disability community.Whilst this indicates that the social model may harbour its own set of indigenous essentialisms and exclusions, the solution is not to capitulate to the other-imposed essentialisms and exclusions of the medical model, but rather to work towards a more inclusive model. This will entail a more welcoming stance towards all those who self-define as disabled whatever their impairment might be and towards those who experience impairments and who want to combat discrimina­tions, but who do not choose to identify as 'disabled' for whatever reason. It is time for people to ask 'What do we mean by "our" community? Are its building-blocks safe or its boundaries sensible?' There may be merit in reflecting upon Young's (1990a) warning that communities are often fabricated out of the yearning to be among similar-and-symmetrical selves, to the point where members respond to alterity by expelling it beyond their border. Clearly, a self-perpetuating spiral can be set in motion, whereby the tighter the boundaries are drawn, the more those included will normalise their sameness and exclude others, the more the excluded will become estranged others, and the less the community will be informed by experiences of and reflection upon diversity, etc. This should not be misread—the UNISON group, like many other disabled people's organisations, is at least as democratic as any other social or political group in its constitution, and it is at least as diverse as any other in respecting multiple identities. Paradoxically, some disabled people's organisations may have expended more energies in reaching out to black and gay people who harbour specific impairments than in reaching out to differently disabled people whatever their other oppressions. Of course, we must do both. But the question 'Who is to "count" as a member of the disability community?' is not as strange as it may sound and may even be the Achilles heel of disability politics to date.**

**2. When you say ableism is a way of blackness, you are trying to abstract black lived reality is different form white lived reality, reducing our narratives in order for u to win a root cause argument.  
  
Cassandra JACKSON, (“Visualizing Slavery: Photography and the Disabled Subject in the Art of Carrie Mae Weems” “Blackness and Disability: Critical Examinations and Cultural Interventions” Edited by Christopher Bell. Pg 32-34)2011  
  
Through the appropriation of this photograph, the artist encounters two central problems of putting the disabled body on display:“ Disability” as Lennard Davis argues ''is a specular moment," and thus the visual experience of encountering the disabled body enacts. The power of the gaze to control, limit, and patrol the disabled person". At the same time the viewing of disability is always narrative, or as Davis puts it: “A person became deaf, became blind, was born blind, became quadripl1egic”. Therefore,disability is often reduced to a “chronotype. a time-sequenced narrative:" whichis itself a means of controlling the meaning of disability(ibid.). Indeed, as Davis contends. "'by narrativizing an impairment, one tends to sentimentalize it and link it to the bourgeois sensibility of individualism and the drama of an individual story”ln the case of the black wounded body, these issues of the power of the gaze and the reductiveness of narrative are magnified. Becausethe black body is never individual, but instead is always the representative of the collective other, the image of the disabled black body extends beyond the singular to become emblematic. What is being monitored and storied is not a single body, but a collective body. Thus the meaning of disability in this case is indelibly entangled in the meaning of blackness, both its ideological meaning and the ways in which it manifest materially as a violated body. The narrative of what happened is reduced to: He is a slave ~ slaves are beaten~ beatings equal slavery. The story then not only compresses the individual into a chronological narrative explanation, but it compresses the history of slavery into a single defining narrative.**

**3. Disabilities studies ignore the white body that is tacitly at the heart of their analysis. Its lamentation is how disabled bodies are not fully able to access WHITE privilege, turning all their arguments and giving us an epistemological indict of their argument. Rebecca ADELMAN, Department of Women's Studies- The Ohio State University- “"When I Move, You Move": Thoughts on the Fusion of Hip-Hop and Disability Activism”- Disability Studies Quarterly, Volume 25, No. 1-** [**www.dsq-sds.org**](http://www.dsq-sds.org/) **2005 Beyond a rough coevalness in the late 20th century, there are also broad thematic and theoretical alignments between hip-hop culture and disability activism, attributable largely to the way that discourses ofnormativity function in the U.S. "Normal" is defined as white/male/heterosexual/nondisabled; all other formations get marked as "non-normative"(Ferguson, 2004). Racism and ableism have predictably similar consequences like poverty and state-sanctioned discrimination,but there are other, more apocryphal parallels as well. Black bodies and cultures are "'endangered'"(Cole and Guy-Sheftall, 2001, p. 203), and there is a persistent and wholly justifiable fear present in much of disability activism that technologies like cochlear implants and gene therapy will render disabled people extinct in a misguided attempt to make them "normal." But while the worth of discursively non-normative bodies is consistently denied, those bodies are also repeatedly spectacularized in a process of endless "remind"-ing(Paterson, 2001, p. 93) of their corporeality. The "normate" harms people of color and people with disabilities (Quayson, 2003, p. 108-9), and hip-hop and disability are "subcultures" to the extent that self-identification there occurs in the "corporeal or affective dimension" (Sweetman, 2001, p. 184). Tricia Rose writes that hip-hop holds out the possibility of taking "pleasure" from "social rupture" (1994, p. 39) of dominant norms; this should sound delightfully familiar to disability activists. Though we have moved beyond the time when legal categories of "disabled" and "non-white" were extensively mutually constitutive(Baynton, 2001, p. 36), the cultural, symbolic, and discursive relationships between the two remain salient.The "freakishness" of women like Julia Pastrana, a Mexican Indian woman who was billed as "The Ugliest Woman in the World," and SaartjeBaartman, a South African whose trademark features were her large buttocks and supposedly hypertrophied genitals, was popularly linked to their ethnic difference (Thomson, 1997, p. 70); medical discourses mandate treatments of the disabled body and shape racialized diagnoses of bodies of color. The imposition of pseudo-scientific analyses on impaired and non-white bodies enabled the proliferation of parallel institutional structures designed to contain them: hospitals and jails, which function to discipline "deviance," while scrutinizing it, analyzing it, and keeping it under surveillance. (The title of Danny Hoch's performance piece, Jails, Hospitals, & Hip-Hop, sparked this rather chilling revelation.) Elizabeth Grosz's contention that the sight of the "freak" provokes a "dual horror and fascination" (1996, p. 64) in the spectator echoes the argument Frantz Fanon put forth almost 30 years earlier that black people are "phobogenic" objects in the white 4. imaginary(1967, p. 151). We can infer, then, that the twin spectacles of racial and corporeal "difference" elicit similar reactions in the normative collective imagination. In Scenes of Subjection, Saidiya V. Hartman analyzes the role of spectacle in American slavery, noting that enslaved people were regularly required to stage performances for their white owners. Slavery was an aggregate of "the spectacular nature of black suffering and, conversely, the dissimulation of suffering through spectacle" (Hartman, 1997, p. 22): slave owners used spectacle to disrupt white identification with black suffering while abolitionists used the spectacularly suffering black body to "forg[e]" the "ties of sentiment"(p. 18). White audiences suffered vicariously and pitied the black body while ignoring black subjectivity;this paradigm might also be also instructive for theorizing the mechanisms by which disabilityfundraising telethonsoperate. America understands race and (dis)ability through visual signifiers, and African-Americans and disabled people were featured in two decidedly American forms of entertainment: minstrelsy and the freak show. Images work to "visualize (or render invisible) social difference" (G. Rose, 2001, p. 10) and both the minstrel show and the freak show were relentlessly visual forms of "entertainment" that magnified the marks of bodily and racial otherness. "The minstrel show as an institution may be profitably understood as a major effort of corporeal containment" (Lott, 1993, p. 118), an attempt to manage blackness by hyperbolizing it. Similarly,freak shows "situated the extraordinary body both spatially and narratively"(Thomson, 1997, p. 60) to locate that body safely in the category of "freak"while still providing audiences with a tantalizingly close encounter. Both relied on a slip from "non-normative" to "subhuman"; both have contemporary legacies. This tortured history provokes varied responses; disability activists like Eli Clare seek to reclaim the freak show as a site of power (2003, p. 261), and many African-American performers have made profitable careers parodying popular mimicries of themselves. Nevertheless,the representational violence of both the freak and minstrel show is undeniable and indelible.Minstrelsy and freak shows leave heritages that are highly, though differently, sexualized. The ableist imagination allows women with disabilities two options: beauty queens or poster children (Blackwell-Stratton et. al., 1988, p. 306); both reinscribeheteropatriarchal modes of relating. The choices for disabled men are equally troubling: bitter-emasculated-cripple or triumphant-hypermasculine-cripple.African-American women are typed as hypersexual Jezebels or asexual mammies, and African-American men as variations on the theme of excessively-masculine-preternaturally-sexual-less-than-human beings. Frantz Fanon asserts that to be black is to be "forever in combat with [one's] own image"(1967, p. 194); the same could easily be said of being disabled, insofar as representations of African-Americans and people with disabilities are predicated on damaging and discriminatory norms. Thus, both groups have had to work for what Nancy Eiesland calls "cultural 'resymbolization'" (Thomson, 2004, p. 94), navigating a context that has always denied them self-representation while insisting on their presence. Disability activism and hip-hop can be understood as assertions of the right to bodily self-determination, attempts to re-draw the "cognitive maps" (Burnett and Holmes, 2001, p. 33) that have been imposed on non-normative bodies. Both discourses have critiqued prevailing models of sexuality (Wade, 1994; Waxman, 1994), interrogated the limits of public and private spaces (Quintero, 2003, p. 212), and launched a general assault on the normative structures – representational, legal, and otherwise – of American culture.**

**4. Their views on ableism are grounded in a view from nowhere in which they try to explain the black body’s inherent disability by using white philosophy.**

George **YANCY**; Prof of Philosophy @ Duquesne University “Black Bodies, White Gazes *THE CONTINUING SIGNIFICANCE OF RACEJournal of Speculative Philosophy* 19.4 (2005) 215-241 20**08**

I write out of a personal existential context. This context is a profound source of knowledge connected to my "raced" body. Hence, I write froma place of lived embodied experience a site of exposure**. In philosophy,** the only thing that we are taught to expose is a weak argument, a fallacy, or someone’s “inferior” reasoning power**. The embodied self is bracketed and deemed irrelevant to theory,** superfluous and cumbersome in one's search for truth. It is best, or so **we are told, to reason from nowhere.** Hence, **the white philosopher/**author**presumes to speak for all of “us” without** the slightest **mention of his or her “raced” identity.**Self-consciously writing as a white male philosopher, Crispin Sartwell observes:  Left to my own devices, I disappear as an author. That is the **"whiteness" of** my **authorship**. This whiteness of authorship **is,** for us**, a form of authority; to speak** (apparently) **from nowhere, for everyone, is empowering,** though one wields power here only by becoming lost to oneself. But such an authorship and authority is also pleasurable: **it yields the pleasure of self-forgetting** or apparent transcendence of the mundane and the particular, and the pleasure of power expressed in the "comprehension" of a range of materials.(1998, 6)  To theorize the Black body one must "turn to the [Black] body as the radix for interpreting racial experience" (Johnson [1993, 600]). It is important to note that this particular strategy also functions as a lens through which to theorize and critique whiteness; for the Black body's "racial" experience is fundamentally linked to the oppressive modalities of the "raced" white body. However, there is no denying that my own "racial" experiences or the social performances of whiteness can become objects of critical reflection. In this paper, my objective is to describe and theorize situations where**the Black body's** subjectivity, its ***lived* reality, is reduced to instantiations of the white imaginary,** resulting in what I refer to as "the phenomenological return of the Black body." These instantiations are **embedded within** and evolve out of **the** complex **social and historical interstices of whites' efforts at self-construction** through complex acts of erasure **vis-à-vis Black people.** These acts of self-construction, however, are myths/ideological constructions predicated upon maintaining white power. As James Snead has noted, "Mythification is the replacement of history with a surrogate ideology of [white] elevation or [Black] demotion along a scale of human value"(Snead 1994,

**And Turn. Views on disabilities in regards to “disabled” and “abled” bodies are rooted in European concepts of the normal and abnormal. Your criticism functions within Eurocentric ideologies routed in whiteness and will never be able to solve for oppression because it’s only defined under the traditional sense of Western Man. It excludes all bodies whether they are black, brown, poor, or have disabilities, etc. We are all excluded by your rhetoric. Wynter 3 (Sylvia Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation--An Argument,” CR: The New Centennial Review, Volume 3, Number 3,257-337)//The argument proposes that the struggle of our new millennium will be one between the ongoing imperative of securing the well-being of our present ethnoclass (i.e., Western bourgeois) conception of the human, Man, which overrepresents itself as if it were the human itself, and that of securing the well-being, and therefore the full cognitive and behavioral autonomy of the human species itself/ourselves. Because of this overrepresentation, which is defined in the first part of the title as the Coloniality of Being/Power/Truth/Freedom, any attempt to unsettle the coloniality of power will call for the unsettling of this overrepresentation as the second and now purely secular form of what Aníbal Quijano identifies as the “Racism/ Ethnicism complex,” on whose basis the world of modernity was brought into existence from the fifteenth/sixteenth centuries onwards (Quijano 1999,2000), and of what Walter Mignolo identifies as the foundational “colonial difference” on which the world of modernity was to institute itself (Mignolo 1999, 2000). The correlated hypothesis here is that all our present struggles with respect to race, class, gender,** sexual orientation, ethnicity, struggles over the environment,global warming, **severe climate change, the sharply unequal distribution of the earth resources (20 percent of the world’s peoples own 80 percent of its resources, consume two-thirds of its food, and are responsible for 75 percent of its ongoing pollution, with this leading to two billion of earth’s peoples living relatively affluent lives while four billion still live on the edge of hunger and immiseration, to the dynamic of overconsumption on the part of the rich techno-industrial North paralleled by that of overpopulation on the part of the dispossessed poor, still partly agrarian worlds of the South4)—these are all differing facets of the central ethnoclass Man vs. Human struggle. Central to this struggle also is the usually excluded and invisibilized situation of the category identified by Zygmunt Bauman as the “New Poor” (Bauman 1987). That is, as a category defined at the global level by refugee/economic migrants stranded outside the gates of the rich countries, as the postcolonial variant of Fanon’s category of les damnés (Fanon 1963)—with this category in the United States coming to comprise the criminalized majority Black and dark-skinned Latino inner-city males now made to man the rapidly expanding prison-industrial complex, together with their female peers—the kicked-about Welfare Moms—with both being part of the ever-expanding global, transracial category of the homeless/the jobless, the semi-jobless, the criminalized drug-offending prison population. So that if we see this category of the damnés that is internal to (and interned within) the prison system of the United States as the analog form of a global archipelago, constituted by the Third- and Fourth-World peoples of the so-called “underdeveloped” areas of the world—most totally of all by the peoples of the continent of Africa (now stricken with AIDS, drought, and ongoing civil wars, and whose bottommost place as the most impoverished of all the earth’s continents is directly paralleled by the situation of its Black Diaspora peoples, with Haiti being produced and reproduced as the most impoverished nation of the Americas)—a systemic pattern emerges. This pattern is linked to the fact that while in the post-sixties United States, as Herbert Gans noted recently, the Black population group, of all the multiple groups comprising the post-sixties social hierarchy, has once again come to be placed at the bottommost place of that hierarchy (Gans, 1999), with all incoming new nonwhite/non-Black groups, as Gans’s fellow sociologist Andrew Hacker (1992) earlier pointed out, coming to claim “normal” North American identity by the putting of visible distance between themselves and the Black population group (in effect, claiming “normal” human status by distancing themselves from the group that is still made to occupy the nadir, “nigger” rung of being human within the terms of our present ethnoclass Man’s overrepresentation of its “descriptive statement” [Bateson 1969] as if it were that of the human itself), then the struggle of our times, one that has hitherto had no name, is the struggle against this overrepresentation. As a struggle whose first phase, the Argument proposes, was first put in place (if only for a brief hiatus before being coopted, reterritorialized [Godzich 1986]) by the multiple anticolonial social-protest movements and intellectual challenges of the period to which we give the name, “The Sixties.” The further proposal here is that, although the brief hiatus during which the sixties’ large-scale challenge based on multiple issues, multiple local terrains of struggles (local struggles against, to use Mignolo’s felicitous phrase, a “global design” [Mignolo 2000]) erupted was soon to be erased, several of the issues raised then would continue to be articulated, some in sanitized forms (those pertaining to the category defined by Bauman as “the seduced”), others in more harshly intensified forms (those pertaining to Bauman’s category of the “repressed” [Bauman 1987]). Both forms of “sanitization” would, however, function in the same manner as the lawlike effects of the post-sixties’vigorous discursive and institutional re-elaboration of the central overrepresentation, which enables the interests, reality, and well-being of the empirical human world to continue to be imperatively subordinated to those of the now globally hegemonic ethnoclass world of “Man.” This, in the same way as in an earlier epoch and before what Howard Winant identifies as the “immense historical rupture” of the “Big Bang” processes that were to lead to a contemporary modernity defined by the “rise of the West” and the “subjugation of the rest of us” (Winant 1994)—before, therefore, the secularizing intellectual revolution of Renaissance humanism, followed by the decentralizing religious heresy of the Protestant Reformation and the rise of the modern state—the then world of laymen and laywomen, including the institution of the political state, as well as those of commerce and of economic production, had remained subordinated to that of the post-Gregorian Reform Church of Latin-Christian Europe (Le Goff 1983), and therefore to the “rules of the social order” and the theories “which gave them sanction” (See Konrad and Szelenyi guide-quote), as these rules were articulated by its theologians and implemented by its celibate clergy (See Le Goff guide-quote).**

### Material Reality ADD ON

#### The Alt/K/DA does not deal with the material conditions of black adolescent youth boys. Extend the curry 1 evidence- we need debates focused on tangible policies that are able to change our values within the people who are affected by the polices- if there’s no values initiated by our policies- then any of the theoretical interrogation of the ALT cannot deal with the material conditions being changed as per the aff, which are black adolescents being able to have more opportunities for economic and social stability. That’s carol 99. If the neg alt doesn’t sound like a tangible policy, which carol 99 says is the only way to initiate material opportunity to create autonomy for black lives—then the entire neg is based in an abstraction of ideal theory. No policies- no values- no reason to vote neg.

### AT Extinction

#### Non action lead to extinction

#### Assumes all lives equal in the status qou- this is false- extinction ideal theory- recognize injustices in the squo first

#### C/A Curry 14- extinction is an ideal theory that glosses over tangible policies we can sue in the status quo to change realities

#### The only way they can gain true access to util is by using extinction as a means for how we must use the utility of each person or else we risk extinction, however, The DEATH CULTURE posed by extinction has already ENDED the world for people of color, SURVIVAL AT ANY COST outweighs LIBERTY, PEACE and DIGNITY. People of color face NUCLEAR HOLOCAUST and GENOCIDE through their jobs, housing, schools, families and land. Someone MUST STAND UP and make the connection between Extinction, RACISM, SEXISM and IMPERIALISM.

**Omolade** a historian of black women for the past twenty years and an organizer in both the women’s and civil rights/black power movements 19**84**Barbara; Women of Color and the Nuclear Holocaust; WOMEN’S STUDIES QUARTERLY, Vaol. 12., No. 2, Teaching about Peace, War, and Women in the Military, Summer, p. 12; <http://www.jstor.org/stable/4004305> City College Center for Worker Education in New York City

In April, 1979, the U.S. Arms Control and Disarmament Agency released a report on the effects of nuclear war that concludes that, **in a** general **nuclear war between the United States and the Soviet Union, 25 to 100 million people would be killed. This is approximately the same number of African people who died between 1492 and 1890 as a result of the African slave trade to the New World.** The same federal report also comments on the destruction of urban housing that would cause massive shortages after a nuclear war, as well as on the crops that would be lost, causing massive food shortages. Of course, for people of color the world over, starvation is already a common problem, when, for example, a nation’s crops are grown for export rather than to feed its own people. And the housing of people of color throughout the world’s urban areas is already blighted and inhumane: families live in shacks, shanty towns, or on the streets; even in the urban areas of North America, the poor may live without heat or running water. **For people of color, the world** as we knew it **ended centuries ago. Our world,** with its own languages, customs and ways**, ended. And we are** only now **beginning to see** with increasing clarity **that our task is to reclaim that world, struggle for it, and rebuild it in our own image. The “death culture” we live in has convinced many to be more** concerned with death than with life, more **willing to demonstrate for “survival at any cost” than to struggle for liberty and peace with dignity. Nuclear disarmament becomes a safe issue when it is not linked to the daily and historic issues of racism,** to **the ways in which people of color continue to be murdered. Acts of war, nuclear holocausts, and genocide have already been declared on our jobs, our housing, our schools, our families, and our lands.** As women of color, we are warriors, not pacifists. We must fight as a people on all fronts, or we will continue to die as a people. We have fought in people’s wars in China, in Cuba, in Guinea-Bissau, and in such struggles as the civil rights movement, the women’s movement, and in countless daily encounters with landlords, welfare departments, and schools. These struggles are not abstractions, but the only means by which we have gained the ability to eat and to provide for the future of our people. We wonder who will lead the battle for nuclear disarmament with the vigor and clarity that women of color have learned from participating in other struggles. Who will make the political links among racism, sexism, imperialism, cultural integrity, and nuclear arsenals and housing? Who will stand up?

### AT Suffering K

Non unique- they say focus on the child dehumanizes-c/a curry 2- the thesis of the aff is that black adolescents are already dehumanized- the question s what can we do to change the material reality that they have to go to

They say Representations of suffering children leads to dehumanization and makes the recipients’ lives worse.- are you kidding me, this is literally saying don’t talk about the suffering of black adolescents because it furthers there suffering—c/a curry 14, we cannot be engaged in ideal theory and assume just not talking about suffering will alleviate suffering—also your argument is just historically flawed I’m sure black people in the civil rights movement and had to have discourse and represent their oppression as suffering in order to liberate themselves- same with the suffrage movement, which means the 1ac is the necessary step to use rhetoric and representation in order to change the material reality of those who are oppressed

#### Dialogue is key to combat oppression—especially in educational spaces.

Firmin DeBrabander 15 [associate professor of philosophy at Maryland Institute College of Art, has written social and political commentary for numerous publications, including the Baltimore Sun, Common Dreams, Counterpunch, and the New York Times] “Do Guns Make Us Free?: Democracy and the Armed Society”, Yale University Press, 19 May 2015, BE

The famed education theorist Paolo Freire called mistrust a major tool of oppression. Freire was interested in educating the children of oppressed populations with a view to politically empowering them, teaching them to act and behave as invested, willful citizens such as democracy requires. In his most important work, Pedagogy of the Oppressed, Freire deplores what he calls the “banking concept” of education, whereby students are deemed fit only to fill up with useful information, digested via rote learning, so that they might become cogs in the machine of society, or in some cases, members of an existing oppressive system. 60 Freire wished that schools might produce individuals who could think critically for themselves, demand their rights, and freely choose their own paths. To that end, he favors a “dialogical theory of education,” which he describes as follows: “problem-posing education, which breaks with the vertical patterns characteristic of banking education, can fulfill its function as the practice of freedom only if … the teacher-of-the-students and the students-of-the-teacher cease to exist and a new term emerges: teacher-student with students-teacher.” 61 Dialogue carried out in this manner, problem-posing engaged in collectively by students and teachers, produces a community of questioners in the classroom. It introduces a horizontal relationship— a fundamental equality that will later be politically significant for emergent citizens. Most colleges in twenty-first-century America take Freire’s approach— it’s how they already conduct learning in the classroom: faculty are urged to create a de-centered classroom where students are not intimidated by professors lecturing from the podium, but rather, engaged in discussion— and direct questioning— by professors who are seated at the same table as students, and who encourage students to speak their minds and experiment with their thoughts. Obviously, Freire’s account does not map neatly onto, say, the kindergarten classroom. Children that age need a disciplinary figure, and democracy should not necessarily reign in kindergarten. But, Freire would say, his basic theory bears important intuitions even there: we must still strive to make young students responsive and critical learners, and teach them as far possible horizontally and collaboratively. They are not simply to be lectured to.

### AT Wilderson

#### Paraontology

#### Link: Afro-pessimism traps Blackness within the pathology of the white unconscious destroying considerations of material existential resistance.

A. Afro-pessimism asserts an apriori pessimism justified only his utilization of disciplinary theories which are fixated upon the slave as a sign of Blackness and violence. This is categorical Blackness is trapped within the Lacanian imaginary and can never access the reality of lived Black experience because of the symbolic order assumed to be an adequate reflection of the world around us.

B. Afro-Pessimism overdetermines Blackness in a para-ontology that conflates the white pathologization of Blackness with the possibilities, lives, and experiences of Black people. Black Studies, the understanding Black life as lived Black experience, is a refutation of the Afro-Pessimist’s core assumption. Ontologizing Blackness destroys lived experience.

Fred Moten—professor of English at Duke University—2008 (Black Op, *PMLA* 123.5:1743-1747)

Finally, one might plan to continue to believe that there is such a thing as blackness and that blackness has an essence given in striated, ensemblic, authentic experience (however much a certain natural bend is amplified by the force of every kind of event, however productive such constant inconstancy of shape and form must be of new understandings of essence and experience). It is obvious (particularly after the recent lessons of Lindon Barrett, Herman Bennett, Daphne Brooks, Nahum Chandler, Denise Ferreira da Silva, Brent Edwards, Saidiya Hartman, Sharon Holland, and Achilles Mbembe, among others) that blackness has always emerged as nothing other than the richest possible combination of dispersion and permeability in and as the mass improvisation and protection of the very idea of the human. Thus, concern over the supposedly stultifying force of authenticity exerted by supposedly restrictive and narrow conceptions of blackness, or worry over the supposed intranational dominance of blackness broadly and unrigorously conceived (in ways that presuppose its strict biological limitation within an unlimited minoritarian field), or anxiety over the putatively intradiasporic hegemony of a certain mode of blackness (which presumes national as well as biological determinations that are continually over- and underdetermined) indexes some other trouble, which we would do well to investigate. Such investigation is best accompanied by vigilant remembrance of and commitment to the fact that blackness is present (as E. P. Thompson said of the English working class) at its own making and that all the people who are called black are given in and to that presence, which exceeds them (in an irrevocable, antenational combination of terror and enjoyment, longing and rejection, that Hartman, in particular, illuminates). Ultimately, the paraontological force that is transmitted in the long chain of life and death performances that are the concern of black studies is horribly misunderstood if it is understood as exclusive.

Everyone whom blackness claims, which is to say everyone, can claim blackness. That claim is neither the first nor the last anticipatory reorientation but is, rather, an irreducible element of the differentially repeating plane that intersects and animates the comparativist sphere.

In this regard, black studies might best be described as a location habitually lost and found within a moving tendency where one looks back and forth and wonders how utopia came to be submerged in the interstices and on the outskirts of the fierce and urgent now. The temporal paradox of optimism—that it is, on the one hand, a necessarily futurial attitude while being, on the other hand, in its proper Leibnizian formulation, an assertion of the necessity, rightness, and timelessness of the always already existing—resonates in the slim gap between analytic immersion and deictic reserve. This bitter earth is the best of all possible worlds, a fact that necessitates the renewed, reconstructed, realization of imaginative intensities that move through the opposition of voluntary secrecy and forced exposure in order to understand how the underground operates out in, and as, the open. What’s the relation between the limit and the open? Between blackness and the limit? Between a specific and materially redoubled finitude called blackness and the open? The new critical discourse on the relation between blackness and death has begun to approach these questions. That discourse reveals that optimism doesn’t require—indeed, it cannot persist within—the repression of that relation; rather, it always lives (which is to say, escapes) in the faithful, postfatal assertion of a right to refuse, in the prenatal instantiation of a collective negative tendency to differ, and in the resistance to the regulative powers that resistance, differing, and refusal call into being. The general insistence that we don’t mind leaving here is inseparable from the fact that it’s all right. Black optimism persists in thinking that we have what we need, that we can get there from here, that there’s nothing wrong with us or even, in this regard, with here, even as it also bears an obsession with why it is that difference calls the same, that resistance calls regulative power, into existence, thereby securing the simultaneously vicious and vacant enmity that characterizes here and now, forming and deforming us. However much trouble stays in mind and, therefore, in the light of a certain interest that the ones who are without interests have in making as much trouble as possible, there is cause for optimism as long as there is a need for optimism. Cause and need converge in the bent school or marginal church in which we gather together to be in the name of being otherwise.

#### Buying into the ontology of the slave condemns Black people to suffer the physical pain as animals. To ignore the living, interpreting, resisting, Black people standing beside the category of Blackness is to condemn them and their consciousness of themselves to just being things, and suffering, crying out in pain without anyone to see them as human and suffering.

Stephen N. Haymes—Associate Professor of Education at DePaul University—2005 (Pedagogy and the Philosophical Anthropology of African American Slave Culture, in Not Only the Masters Tools, 173-203,193-194).

Again, to suffer as a black slave is to have one’s black body seen by others and possibly oneself as a thing that is an absence of human experience. It is to be forced into the realm of property, whereby the slave’s cries for recognition go unheard because “he or she falls below the category of otherness, for an Other is another human being” (Gordon 2000a:223). Treated as an animal, the slave is presumed to be without human consciousness. Like an animal the slave is treated as if he or she has no self-consciousness,

henceforth possessing no possibilities of the freedom to choose, to act, and to define oneself.

To be without human consciousness is to be incapable of bodily self-awareness and therefore, to be incapable of experiencing pain as a person who is conscious of being alive. Put another way, to experience pain as an absence of human presence in the world is to indifferent to life and its possibilities. In On the Genealogy of Morals, Freidrich Nietzsche maintains that suffering is the ground of moral life in that it draws our reflective attention upon the problems of living and, henceforth, on our human presence in the world. But, he says, “negroes…taken as representative of prehistoric man” (Nietzsche 1967: 67-68) are, in contrast to Europeans, not able to suffer because their constitution is such that Negroes are supposedly not capable of experiencing bodily pain (see also Preston 1997 and Kant as quoted in Eze 1997:116).

The question of bodily pain raises the distinction between corporeality and the lived body. A physical body is a body that is in-itself, a body that is a “thing,” in which case it is perceived as complete and fulfilled, and thus has no possibilities in that it is incapable of exercising freedom. Conversely, a lived body is a body for-itself; it has possibilities and is therefore a body with intentionality. Which is to say that the lived body is bound up with, and directed toward, an experienced world (see Leder 1990:75).

In an antiblack world the lived experience of the black is such that the black slave is conscious of his or her body through the perspective of the white world. Fanon notes, “In the white world the [black] encounters difficulties in the development of his bodily schema. Consciousness of the body is solely a negating activity” (Fanon 1967b:110). This is a perspective that degrades the slave’s black body as a lived body. Hence, the pained body of the black slave is reduced merely to physiological sensation or to physical pain, making the painful existence of the slave qualitatively no different from the pain experienced by the nonhuman animal. This is in contrast to the fact that the human experience of pain is intricately bound up with the quest for meaning, legitimacy and understanding. Human pain, in other words, is not simply suffered; we are always compelled to make sense of it, in which case human pain is also subjective experience. Howard Thurman once wrote:

Because man has a mind and is in a very profound sense an experiencer of life, pain is something that is seen as happening to him. He is aware that this is happening to him. He knows that he hurts—its is a very local experience. Thus for man suffering is possible. For him the physical pain is interpreted; it is at this point that the crucial issue of all suffering arises. What does the pain mean? (Thurman 1998:43).

But to understand what pain meant to the slaves, we must understand how pain functions in relation to the lived body. For one thing, because pain hurts, it seizes our attention and forces reorientation of our whole being, hence pain, according to Drew Leder, is a “manner of being-in-world” (I.eder 1990: 73). By this, Leder means that pain disrupts the body’s relationship with the world; it forcibly “reorganizes our lived space and time, our relations with others and with ourselves (ibid). In short, pain disrupts the body’s processes of perception and therefore the body’s intentional movement toward and experienced world. The reason is that pain is experienced in the confines of one’s flesh and thus is marked by an interiority that another cannot share. Elaine Scarry notes that “when one speaks about one’s own physical pain and about another person’s physical pain, one might appear to be spoken about two wholly distinct orders of events. For the person whose pain it is, it is effortlessly grasped, while for persons outside the sufferer’s body, what is effortless is not grasping it” (Scarry 1985:4).

#### Decadence

#### I. The Neg asks us to simply trust narratives. Such moves discount evidence and reduce epistemology to the value we are demanded to place in our sympathies with the authority of the person. When “performing evidence” substitutes for evidence, the appearance of legitimacy dooms the pursuit of knowledge and propagates decadence. I’m not saying that the narrative is false but I’m indicting their epistemological viewpoint.

Lewis **Gordon 06**—professor at philosophy, African and Judiac Studies at University of Connecticut Storrs—2006 (*Disciplinary Decadence: Living Thought in Trying Times*, p 28-29)

A striking feature (among many) of the contemporary intellectual climate, as I pointed out in the introduction of this book, is the war on evidence. There are many instances of this, but perhaps most memorable are the many "charts" and so-called evidential claims made by Ronald Reagan during his presidency. The so-called evidence he advanced was rarely ever evident. We needn’t blame Reagan for this. It was happening everywhere. Think of the scores of pseudo-intellectuals who have mastered the performance of “academese” and the rhetorical advance of evidence like claims. Lying beneath all this are, of course, nihilistic forces, and lying beneath such forces are, as Friedrich Nietzsche diagnosed little more than a century ago, decadent ones. Where truth has collapsed into commonness, then critical thinking isn't necessary, which makes the work of assessing evidence superfluous. The effect is the kind of nonthinking activities against which Ortega y Gasset argued. There are two extremes of this. On the one hand, there is oversimplicity that demands no reflection. On the other hand, there IS the dense, abstruse appearance of expertise that conceals an absence of thought. Both don't require thinking because their ultimate appeal is appearance. ¶ Evidence is paradoxically that which has been hidden but revealed as a conduit for the appearance of another hidden reality. In effect, then, It is an appearance that enables appearance, but it is an appearance that requires thinking in order to appear. In short, it is not an appearance that stimulates thought but a form of thought that stimulates appearance. This means that evidence is always symbolic; it always refers beyond Itself. Because whether affirmed or rejected, it always extends itself publicly for assessment, evidence is peculiarly social. And since it is social, evidence is subject to the complex exchange of intersubjective activities. Evidence must, in other words be subject to norms" and "criteria." By norms, I don't here mean normativity or social prejudices but instead an understanding of where an exceptional instance versus a typical instance of a case holds. This requires further understanding of relevance, which, too, requires the value of distinction. All this together provides a clue to the contemporary problem. When simply the performance of presenting evidence substitutes for evidence, then anything can count as evidence. We see this in scholarly texts where the authors announce the importance of looking at a subject and then later argue as though that announcement itself constituted examination. Think, as well, of some texts in literary and cultural studies with long, run-on commentary in end notes and footnotes that serve no role of substantiating the claims they supposedly demarcate. We also see it in cases where pronouncements of past failures of certain social remedies take the form of perennial truths.

#### II. Afro-pessimism’s ontologization of the constitutive foundation of the world and Blackness is decadent. Afro-pessimists exclude the possibility of meanings and concepts outside of their disciplinary boundaries, in fact making the slave a permanent sign through disciplinary cosmologies.

Lewis **Gordon 14**—professor of philosophy, African and Judiac Studies at the University of Connecticut—2014 (“Disciplinary Decadence and the Decolonization of Knowledge,” Africa Development 39.1: 81-92, 86-88).

Failure to appreciate reality sometimes takes the form of recoiling from it. An inward path of disciplinary solitude eventually leads to what I call disciplinary decadence.12 This is the phenomenon of turning away from living thought, which engages reality and recognises its own limitations, to a deontologised or absolute conception of disciplinary life. The discipline becomes, in solipsistic fashion, the world. And in that world, the main concern is the proper administering of its rules, regulations, or, as Fanon argued, (self-devouring) methods. Becoming ‘right’ is simply a matter of applying, as fetish, the method correctly. This is a form of decadence because of the set of considerations that fall to the wayside as the discipline turns into itself and eventually implodes. Decay, although a natural process over the course of time for living things, takes on a paradoxical quality in disciplinary formation. A discipline, e.g., could be in decay through a failure to realise that decay is possible. Like empires, the presumption is that the discipline must outlive all, including its own purpose.¶ In more concrete terms, disciplinary decadence takes the form of one discipline assessing all other disciplines from its supposedly complete standpoint. It is the literary scholar who criticises work in other disciplines as not literary. It is the sociologist who rejects other disciplines as not sociological. It is the historian who asserts history as the foundation of everything. It is the natural scientist that criticises the others for not being scientific. And it is also the philosopher who rejects all for not being properly philosophical. Discipline envy is also a form of disciplinary decadence. It is striking, for instance, how many disciplines in the humanities and the social sciences are now engaged in intellectual history with a focus on the Western philosophical canon. And then there is decadence at methodological levels. Textualism, for example, infects historiography at the level of archival legitimacy. Or worse, in some forms of textualism, the expectation of everything being contained in the text becomes evident in work in the human sciences that announce studying its subject through an analysis exclusively of texts on the subject. There are scholars in race theory, e.g., who seem to think that theorising the subject is a matter of determining what has been said on it by a small set of canonical texts. When appearance is reduced to textuality, what, then, happens to inquiry? What are positivism and certain forms of semiological imitation of mathematical phenomena but science envy? When biologism, sociologism, psychologism, and many others assert themselves, to what, ultimately, are they referring? In the human sciences, the problem becomes particularly acute in the study of problem people. Such people misbehave also in disciplinary terms. The failure to squeeze them into disciplinary dictates, from a disciplinarily decadent perspective, is proof of a problem with the people instead of the discipline. It serves as further proof of the pathological nature of such people.

#### III. Decadence allows the colonization of methods, thinking, and destroys the possibility of a decolonized ethics of the oppressed to overturn.

Lewis **Gordon 14**—professor of philosophy, African and Judiac Studies at the University of Connecticut—2014 (“Disciplinary Decadence and the Decolonization of Knowledge,” Africa Development 39.1: 81-92, 88).

The first is regarding the political significance of this critique. For politics to exist, there must be discursive opposition over relations of power. Such activity involves communicative possibilities that rely on the suspension of violent or repressive forces. In effect, that makes politics also a condition of appearance. To be political is to emerge, to appear, to exist. Colonisation involves the elimination of discursive opposition between the dominant group and the subordinated group. A consequence of this is the attempted elimination of speech (a fundamental activity of political life) with a trail of concomitant conditions of its possibility. It is not that colonised groups fail to speak. It is that their speaking lacks appearance or mediation; it is not transformed into speech. The erasure of speech calls for the elimination of such conditions of its appearance such as gestural sites and the constellation of muscles that facilitates speech – namely, the face. As faceless, problem people are derailed from the dialectics of recognition, of self and other, with the consequence of neither self nor other. Since ethical life requires others, a challenge is here raised against models of decolonial practice that centre ethics. The additional challenge, then, is to cultivate the options necessary for both political and ethical life. To present that call as an ethical one would lead to a similar problem of coloniality as did, say, the problem of method raised by Fanon. European modernity has, in other words, subverted ethics. As with the critique of epistemology as first philosophy, ethics, too, as first philosophy must be called into question. It is not that ethics must be rejected. It simply faces its teleological suspension, especially where, if maintained, it presupposes instead of challenging colonial relations. Even conceptions of the ethical that demand deference to the Other run into trouble here since some groups, such as blacks and Indians/Native Americans, are often not even the Other. This means, then, that the ethical proviso faces irrelevance without the political conditions of its possibility. This is a major challenge to liberal hegemony, which calls for ethical foundations of political life, in European modernity. It turns it upside down. But in doing so, it also means that ethics-centred approaches, even in the name of liberation, face a similar fate.

#### Not Contingent

#### The Symbolic Order is contingent, not a permanent and unchanging matrix of cultural meaning and symbols. Wilderson is simply wrong about the grammar of anti-Black violence being unmovable and fixated on the slave.

Peter Hudson-- senior lecturer in politics with research interest in social and political theory and South African studies at Wits Institute of Social and Economic Research—2014 (The State and Colonial Unconscious, *Social Dynamics: A Journal of African Studies*, 39.2: 263-277,266).

Thus the self-same/other distinction is necessary for the possibility of identity itself. There always has to exist an outside, which is also inside, to the extent it is designated as the impossibility from which the possibility of the existence of the subject derives its rule (Badiou 2009, 220). But although the excluded place which isn’t excluded insofar as it is necessary for the very possibility of inclusion and identity may be universal (may be considered “ontological”), its content (what fills it) – as well as the mode of this filling and its reproduction – are contingent. In other words, the meaning of the signifier of exclusion is not determined once and for all: the place of the place of exclusion, of death is itself over-determined, i.e. the very framework for deciding the other and the same, exclusion and inclusion, is nowhere engraved in ontological stone but is political and never terminally settled. Put differently, the “curvature of intersubjective space” (Critchley 2007, 61) and thus, the specific modes of the “othering” of “otherness” are nowhere decided in advance (as a certain ontological fatalism might have it) (see Wilderson 2008). The social does not have to be divided into white and black, and the meaning of these signifiers is never necessary – because they are signifiers.

To be sure, colonialism institutes an ontological division, in that whites exist in a way barred to blacks – who are not. But this ontological relation is really on the side of the ontic – that is, of all contingently constructed identities, rather than the ontology of the social which refers to the ultimate unfixity, the indeterminacy or lack of the social. In this sense, then, the white man doesn’t exist, the black man doesn’t exist (Fanon 1968, 165); and neither does the colonial symbolic itself, including its most intimate structuring relations – division is constitutive of the social, not the colonial division.

“Whiteness” may well be very deeply sediment in modernity itself, but respect for the “ontological difference” (see Heidegger 1962, 26; Watts 2011, 279) shows up its ontological status as ontic. It may be so deeply sedimented that it becomes difficult even to identify the very possibility of the separation of whiteness from the very possibility of order, but from this it does not follow that the “void” of “black being” functions as the ultimate substance, the transcendental signified on which all possible forms of sociality are said to rest. What gets lost here, then, is the specificity of colonialism, of its constitutive axis, its “ontological” differential. A crucial feature of the colonial symbolic is that the real is not screened off by the imaginary in the way it is under capitalism. At the place of the colonised, the symbolic and the imaginary give way because non-identity (the real of the social) is immediately inscribed in the “lived experience” (vécu) of the colonised subject. The colonised is “traversing the fantasy” (Zizek 2006a, 40–60) all the time; the void of the verb “to be” is the very content of his interpellation. The colonised is, in other words, the subject of anxiety for whom the symbolic and the imaginary never work, who is left stranded by his very interpellation. “Fixed” into “non-fixity,” he is eternally suspended between “element” and “moment”– he is where the colonial symbolic falters in the production of meaning and is thus the point of entry of the real into the texture itself of colonialism.

Be this as it may, whiteness and blackness are (sustained by) determinate and contingent practices of signification; the “structuring relation” of colonialism thus itself comprises a knot of significations which, no matter how tight, can always be undone. Anti-colonial – i.e., anti-“white” – modes of struggle are not (just) “psychic” but involve the “reactivation” (or “de-sedimentation”)7 of colonial objectivity itself. No matter how sedimented (or global), colonial objectivity is not ontologically immune to antagonism. Differentiality, as Zizek insists (see Zizek 2012, chapter 11, 771 n48), immanently entails antagonism in that differentiality both makes possible the existence of any identity whatsoever and at the same time – because it is the presence of one object in another – undermines any identity ever being (fully) itself. Each element in a differential relation is the condition of possibility and the condition of impossibility of each other. It is this dimension of antagonism that the Master Signifier covers over transforming its outside (Other) into an element of itself, reducing it to a condition of its possibility.

#### No cure: Wilderson

#### Wilderson’s theory is psycho-analytic: meaning it attempts to point out the antagonisms of the world, how whites proliferate their anti-Black desires and ultimately the Negrophobia that results in Anti-Black Death. There is NO CURE for this, Wilderson himself says his corpus does not articulate a cure!

Frank **Wilderson—July 14, 2010** (“Interview with Frank B. Wilderson: Wallowing in the Contradiction Part 1,” on *A Necessary Angel: The Ruminations, Prayers, and Complaints of Percy Howard* [http://percy3.wordpress.com/2010/07/09/frank-b-wilderson-%E2%80%9Cwallowing-in-the-contradictions%E2%80%9D-part-1/] accessed 9.20.14).

**If Blacks became** part of the **human** community then **the concept of “contemporaries” would have no outside**; and if it had no outside it could have no inside. Lacan assumes the category and thus he imagines the analysand’s problem in terms of how to live without neurosis among ones contemporaries. Fanon interrogates the category itself. For Lacan the analysands suffer psychically due to problems extant within the paradigm of contemporaries. For Fanon, the analysand suffers due to the existence of the contemporaries themselves and the fact that s/he is a stimulus for anxiety for those who have contemporaries. Now, a contemporary’s struggles are conflictual—that is to say, they can be resolved because they are problems that are of- and in the world. But a Blacks problems are the stuff of antagonisms: struggles that cannot be resolved between parties but can only be resolved through the obliteration of one or both of the parties. We are faced—**when dealing with the Black—with a set of psychic problems that cannot be resolved through any form of symbolic intervention such as psychoanalysis—though addressing them psychoanalytically we can begin to explain the antagonism (as I have done in my book,** and as Fanon does), **but it won’t lead us to a cure.**

### AT T

#### AT Can’t spec certain groups

#### Counter interpretation: The AFF can defend the resolution towards a certain subset of the American population, with a specific policy, and not affirm just discourse.

#### I meet-

#### Off their standards-

#### 1. Clash- the debate is good for our discussions. If we give the neg ground for every population affected- women, trans, poor—we don’t have any real discussions, why? Because a ld debate round is 45 minutes and we can’t solve all of the world’s problems but if we focus on one specific set of population, whether it be women blacks etc it produces quality discussion because we have under limited how the debate will go. Solves the internal link to education.

TOPIC LITERATURE solves your abuse

#### 2. Predictable- This is racist. What did you predict? Lets help all the white people nullify Klan members? The fact that you cant predict an aff is going to talk about underprivileged people, many of whom are black and brown, means we turn your predictability argument- you simply have not cared to look to the individuals affected by the topic. TURN. We have to challenge eurocentrism by reinterpreting the topic, you don’t do that so of course our discourse will never be strategic for you and your interp will always exclude people you don’t see the resolution the same way as you.

**That’s Hendricks in 95**

**White supremacy** in its .various guises **continues to inject the lives of African-American people with** casual horror, **everyday horror.** The dread demonic legacies of Simon Legree, Jim Crow, Bull Connor, and Ronald Reagan continue to infect and infest the land. Those who would deny our humanity seem now to gain a new momentum. Dominationist appeals to biblical legitimation operate openly, with major communications media fully at their disposal**.** And **our children can expect to die,** on average, **almost a decade younger than their Euro-American counterparts. It is for these reasons tht African-American** biblical scholars **must become guerrillas. Because** the Bible and its `**interpreters remain central to the lives of** this **beleaguered people, because white supremacist readings** of the Bible **continue to tie our people's hands, blind their eyes and cloud their minds, .we *must* explicate** biblical **models of domination and liberation, hegemony and counter-hegemony.** Deconstruct and demystify dominationist overlay and obfuscation from Grandma Minnie's Bible. Lay bare the whitewashing, the weakening, and the watering-down. Interrogate the analogue of PaxRomana and Pax Americana. Parallel the horrific treacheries of King Herod and J. Edgar Hoover, the prophetic pronouncements of Amos and the later Martin Luther King. **We must claim** the Bible as **our site of struggle and our field of contestation. As guerrillas. As freedom fighters.** As solid but subversive scholars. **As reappropriators of the** biblical **logic of justice.**

**NB to our interp:**

#### Inclusion - His theory forces individuals who act out or talk about blackness to keep quiet and argue the way HE wants us to argue. This colonization of knowledge will always be detrimental and an offensive reason to vote him down.

#### SMITH 13[[1]](#footnote-1): Smith, Elijah. History maker, best assistant coach ever. A Conversation in Ruins: Race and Black Participation in Lincoln Douglas Debate AK It will be uncomfortable, it will be hard, and it will require continued effort but the necessary step in fixing this problem, like all problems, is the community as a whole admitting that such a problem with many “socially acceptable” choices exists in the first place. Like all systems of social control, the reality of racism in debate is constituted by the singular choices that institutions, coaches, and students make on a weekly basis. \competitors attempt to win by rushing to abstractions to distance the conversation from the material reality that black debaters are forced to deal with every day. One of the students I coached, who has since graduated after leaving debate, had an adult judge write out a ballot that concluded by “hypothetically” defending my student being lynched at the tournament. Another debate concluded with a young man defending that we can kill animals humanely, “just like we did that guy Troy Davis”. Community norms would have competitors do intellectual gymnastics or make up rules to accuse black debaters of breaking to escape hard conversations butas someone who understands that experience, the only constructive strategy is to acknowledge the reality of the oppressed, engage the discussion from the perspective of authors who are black and brown, and then find strategies to deal with the issues at hand. It hurts to see competitive seasons come and go and have high school students and judges spew the same hateful things you expect to hear at a Klan rally. A student should not, when presenting an advocacy that aligns them with the oppressed, have to justify why oppression is bad. Debate is not just a game, but a learning environment with liberatory potential. Even if the form debate gives to a conversation is not the same you would use to discuss race in general conversation with Bayard Rustin or Fannie Lou Hamer, that is not a reason we have to strip that conversation of its connection to a reality that black students cannot escape.

#### 2. Education- Our limits arg controls the best internal link to education- we only have quality discussions when we underlimit – GO TO THE OTHER SIDE OF THE LIBRARY

#### Finally, There’s a turn under a rob – the form of evasion from concrete discussions about black lives means they violate the framing of the round- which is disrupting Eurocentric knowledge production.

Heres 3 strats the neg could have read that solve all your abuse:

1. Black people cant get to the courtroom- never selected as jurors

2. Black people take plea deals 97 percent of time- no impact to the aff since there isn’t anyone to nullify

3. Prision Aboilition K- beautiful article by Dylan rodrquize that says reforms like jurny nullification mean nothing but then again you have to read for that

GIVE US THE RVI- Impact turn, smith NB to why the need to lose for their performance of theory, I’m not saying theory is always bad, but the way they have used it is uniquely exclusive

Finally- think about what the interp means in other debates—if it excludes other positions its not a better norm for debate

### AT Fem

#### 1. The racial privilege of white women disassociates their womanhood from the struggles and experiences of women of color. White womanhood is the perfection of patriarchy, not its opposition.

Mamta Motwani **Accapadi** —20**07** (“When White Women Cry: How White Women's Tears Oppress Women of Color,” *College student affairs journal*, 26.2, 208-215).

All of our social identities inform and shape one another. **One's identity as a woman is shaped by multiple factors** in her life, including race, social class, sexual orientation, and so on. **While sexism shapes the nature of womanhood, White womanhood looks very different than Asian** American, **Black, Indigenous, or Latina womanhood**, **because each woman's experience is shaped by the internal expectations and external perceptions of what it means to be a woman within each of these racial communities** (Hernandez & Rehman, 2002; Anzaldua & Keating, 2002). Comprehensive historical research explicates this notion of racial identity informing gender identity (Daniels, 1997; Frankenberg, 1993; 1997). **While White women have been depicted to be the foundation of purity, chastity, and virtue, Women of Color have historically been caricaturized by the negative stereotypes and the historical lower status position associated with their racial communities** in American society (Hernandez & Rehman, 2002; Collins, 2000; Lorde, 1984; hooks, 1981). Additionally, as Palmer (1994) states, "**the problem for White women is that their privilege is based on accepting the image of goodness, which is powerlessness**" (p.170). This powerlessness informs the nature of White womanhood. Put in simple terms, male privilege positions the nature of womanhood, while White privilege through history positions a White woman's reality as the universal norm of womanhood, leaving a woman of color defined by two layers of oppression.

#### 2. The racial privilege of white women make them the standard of humanity. It is through their ability to emphasize their vulnerability without accounting for their power that they are in fact able to become the standard of humanity.

Mamta Motwani **Accapadi** —20**07** (“When White Women Cry: How White Women's Tears Oppress Women of Color,” *College student affairs journal*, 26.2, 208-215).

**The challenge and responsibility of any person who has a "one up/one down" identity, with one identity that is privileged and another that is oppressed, is to recognize when their privileged identity is the operating norm**. As Johnson reminds us, "when it comes to privilege, it doesn't matter who we really are. What matters is who other people think we are" (2005, p. 104). **White women, having "one uplone down" identities as White and as woman, must recognize the power that comes with their Whiteness.** **Recognizing privilege means acknowledging that our societal norms allow White women to toggle their identities, meaning they can choose to be a woman and choose to be White.** **Combining these two social identities, White women can be both helpless without the helplessness being a reflection of all White people and powerful by occupying a position of power as any White person**. Women of Color do not have the option of toggling their identities in this manner. When a Woman of Color acts, her actions at some level reflect upon her racial community, and she cannot centrifuge her racial identity from her womanhood. Through the presentation of a case study, I will delve deeper into how the "standard of humanity" privileges White women. (210).

#### 3. America is a patriarchal culture where all women are oppressed. However, because of white supremacy white women have sought to take their place alongside white men and remain defined by the ideals of the women Ku Klux Klan rather than racial and ethnic equality. Feminism remains a culture of white domination towards all racial people, specifically racialized men.

Ronald **Hall**—20**10** (Full Professor of Social Work at Michigan State University, An Historical Analysis of Skin Color Discrimination in America: Victimism Among Victim Group Populations [New York: Springer Press])

**America is a patriarchal culture, wherein women have been traditional second class citizens. As a result, all women** regardless of race, class, or immigrant status **are members of an oppressed victim-group** population. That membership defines women as a victimized out-group minority, whose quality of life is contingent upon and directed for the most part by men. In the development of policy, law, and overall behavior, men act foremost in the best interest of other men, generally at the expense of women. **However, the implications of victim-group discrimination regarding race by skin color are no less dramatic for women than within the so-called races**. As a nation dominated by European ethnic groups, **American white women among all women have resorted to victim-group discrimination against women and people of color as an historical extension of white supremacy. They have advocated their superiority** following the antebellum, **not on the basis of equality with men of color but superiority to all nonwhite populations on the basis of race, which includes all but the white-male power structure. They seek equality only with white men as a presumed birthright of white supremacy.** An account of their activism is documented in the history of the seldom-acknowledged precursor to the feminist and/or women’s rights movement—the white Women’s Ku Klux Klan (WKKK). **The history of women’s rights and what would lead to feminism in America evolved in the historical context of antebellum racism, apparent in the popularity of the** larger Ku Klux Klan **(KKK)** [1]. Extended from the Klan’s racist objectives, **white women—in particular the middle class—discriminated against people of color,** that is, black, Asian-, Latino-, and Native Americans.Modern-day academe has been reluctant to acknowledge this apparent victim-group discrimination by white women through Klan ideals, but its manifestation is available for investigation in the documented history of the WKKK. (145)

#### 4. Feminism encourages the victimization of Black people. Through the recognition of white women’s oppression, white women were not only able to perpetuate sexism against racialized men and women, but make women’s issues the dominant interpretation through which all oppression is read. The make all other groups second class citizens to their experiences.

Ronald **Hall**—20**10** (Full Professor of Social Work at Michigan State University, An Historical Analysis of Skin Color Discrimination in America: Victimism Among Victim Group Populations [New York: Springer Press])

**Among feminists, manifestations of victim-group discrimination are a direct result of historical domination by white men, which has encouraged the subjugation of black women and people by white women**. Regarding race and skin color, **the uppermost in status became those of European descent** [21]. **Under the guise of eliminating sexism, white women contributed to it. Their efforts necessitated values, which are in many ways not only racist but were discriminatory** [22]. **The result is a configuration of victim-group discrimination whereby women’s issues become a matter of dominant-group**, **white female interpretation. Under the circumstances other victim-group populations and their issues are relegated to second-class status by white women** and/or the fringes of the women’s movement and overall equal rights sustaining the ultimate white privilege. Regarding white privilege, white feminists may say they are against racism and discrimination when what they really mean is individual racism [23]. They refuse to recognize that whites, including victim-group white women, benefit as a group from institutional and systemic racism against other victim groups, including people of color. Thus, **all white women are** the nepotistic **beneficiaries of a racist system that bestows inherited privileges. For white feminists to admit their association with racism would render it impossible for them to deny shared responsibility in the subjugation of** and hence **victim-group discrimination against nonwhite women and other people of color. They have** thus **elected themselves as the architects of women’s rights, and who effectively define and direct the objectives of feminist ideology.** (153-154).

Impact Extension

#### 1. White feminism ultimately leads to the reification of white supremacy. The primacy of white female oppression erases Black and other non-white voices and perspectives, not only from discursive space, but the textual archives of the academy.

Ronald **Hall**—20**10** (Full Professor of Social Work at Michigan State University, An Historical Analysis of Skin Color Discrimination in America: Victimism Among Victim Group Populations [New York: Springer Press])

**Extended from the conditions of feminism is** thus **a familiar theme in writing as if the struggles of nonwhite women (and men) are insignificant by comparison. It suggests the world would be a better place if women were leaders because women are less belligerent than men** are [25]. Whatever the other merits, this idea would seem to involve a strong commitment to innate sex differences and less to race and skin color issues. The theme is rendered moot, however, given the fact that a critical point is left unclear: **Is the lesser belligerence of women innate or is it the product of socialization? This concept is as contradictory as an oxymoron**. If women’s lesser belligerence is innate, how are they to reach positions of leadership whose attainment requires competitiveness? If women’s lesser belligerence is learned, how did sexism result in moral superiority? And **if sexism can produce moral superiority, the application of women’s lesser belligerence to bring about peace will perpetuate the oppression that produced it—a notion diametrically opposed to women’s rights. The foregoing principles would have otherwise been dismissed as sexist, had they not been endorsed by white women**. That is not to imply that substantial differences do not exist between men and women. **No doubt, differences arise in a social context where elements of socialization and power combine with women’s reproductive ability. However**, such differences would be less confining if white women—in particular—had been reared to sympathize with the black and/or nonwhite cultural experience. But **in a racist system that differentiates by skin color, there is no distinctive voice for the mainstream espousing of nonwhite factions.** Thus, **the work of nonwhite scholars**, such as Pierce and Du Bois, **is all but unknown to white scholars in the academy. Sex differences then dominate feminist ideology and are usually a priority beyond all other forms of discrimination and oppression**. Thus, **the conspicuous absence of racism and victim-group discrimination from the discourse of white feminist ideology minimizes its existence to the point that white women themselves are the lone beneficiaries of its perpetuation** [26]. Under the circumstances, nothing short of the redistribution of power will sustain the ability of nonwhite victim groups to be heard. Such a complex manifestation of victim-group discrimination is a subtle but no less formidable form of what McIntosh [26] refers to as white privilege.

#### 2. Privilege is something white women are less likely to acknowledge beyond abstraction. There must be concrete engagement with their domination of Black people. The failure to concretely criticize and condemn white women’s privilege allows it to remain invisible and ongoing.

Ronald **Hall**—20**10** (Full Professor of Social Work at Michigan State University, An Historical Analysis of Skin Color Discrimination in America: Victimism Among Victim Group Populations [New York: Springer Press])

As with victim-group discrimination, **white women appear less than willing to address the existence of white privilege while at the same time granting that black women and other victim-group populations are acutely disadvantaged.** **They profess efforts to gain women’s rights that focus on society’s most prestigious and powerful institutions,** including academia, **stopping short of any effort that would limit white privilege.** Such efforts are unspeakable in polite circles and buffer the privileges of white women from legitimate discussion. **Because racism is endemic to the institutions of America**, including academia, **victim-group discrimination by white women prevails** [27]. The polite façade and moral pretense of feminists destine white privilege to a longevity rivaled only by the racism from which it emerged. Thus, **white women who dare acknowledge white privilege prefer to do so in the context of some remote abstraction. They are instructed by cultural experience to ignore white privilege, much as males in a patriarchy are taught to ignore the advantages of gender**. Their inability to confront their unfair advantage predisposes them to a painful reality. **Germane to that reality is an illusive cask of inherited assets that gives them daily advantage as white women over all nonwhite populations, regardless of gender roles** [28]. As a result, they necessarily perceive women’s issues via contrasting priorities with black and other women of color. This presents a formidable obstacle to nonwhite women who have challenged the most insidious forms of victim-group discrimination by white women, based on skin color. White males have not been irrelevant to that obstacle as members of the power structure. However, extended from that discrimination, the ideals of feminine beauty in America remain a tradition of light skin and other white features. Given the prestige of America at home and abroad as enabled by media technology, nonwhite women have contributed to their own victimization by aspiring to white beauty standards. In an attempt to effect white ideals, nonwhite women have risked their health and self-esteem without objections from their white counterparts who, by their apathy, have contributed to the homogeny of blond, light-skinned

advertising images as the standardized ideal of feminine beauty—personified by the Breck Girl. (155).

**I. There is no hope to deal with the question of “humanity,” the potential of what “humans” should be, should think, and how they should act based on these stances within the anthropology of white European models of thought. Regardless of the “critique,” the white call to action allows Europe the continued power to construct “MAN,” within their own systems of thought. Their position is just another example of a moral plea to white decadent anthropology.**

**Syliva Wynter—2006 ( “Interview with Syliva Wynter,ProudFlesh Interview: New Afrikan Journal of Culture, Politics & Consciousness, Issue 4)**

PROUD FLESH: At this point in your life’s work, who could think of your writing without thinking of its **critical thesis on “humanism,” of Western humanism,** or what it calls “Man,” which **also raises critical questions of “consciousness,**” does it not? And other questions, too, of course. SYLVIA WYNTER: Such as, “**Why does this meaning have to be put on being Black—this meaning of non-being**?” These are the kinds of questions that you guys are going to ask. I beg you guys to go back and read about Copernicus, Galileo and so on. The Darwinian thing was a bit of a struggle, but not as much--strangely enough . . . PROUD FLESH: Yes, you consistently show how “the Copernican revolution” was one enabled by imperialist exploration-cum-exploitation or conquest. For undergraduates in Western universities, in particular, they simply stick the Copernicus issue in the anthology of “modern Western philosophy,” as a lesser textual concern, without dealing with it or its significance; I mean, with no context or explanation. SYLVIA WYNTER: They never even wanted to write about it! And why? Because I think they are aware of the implications, if taken seriously. That’s how they took over the world. **We have to take it all seriously. YOU CANNOT SOLVE THE ISSUE OF “CONSCIOUSNESS” IN TERMS OF THEIR BODY OF “KNOWLEDGE.”** You just can’t. **Just as within the medieval order of knowledge there was no way** in which **you could explain why it is that certain planets seemed to be moving backwards.** **Because you were coming from a geocentric model**, right? **So you** had to “**know” the world in that way. Whereas from our “Man-centric” model, we cannot solve “consciousness” because “Man” is a purely ontogenetic**/purely **biological conception of being, who then creates “culture.” So if we say “consciousness” is “constructed,” who does the constructing**? You see? Whereas in Fanon’s understanding of ontogeny-and-sociogeny, there’s no problem. Do you see what I mean?

**II. Social systems of power must be discursively legitimated. The issue is not “what we speak,” but how “what we speak,” perpetuates very specific cultural determinations of how systems work and respond to our discursive appeals. The Negative’s position is not simply about a difference of values about the world, rather this is a difference about how the Aff reifies and naturalizes the structures, systems, and types of knowledge that perpetuate the cultural concepts of white supremacy.**

**Sylvia Wynter—1992 (“Beyond the Categories of the Master Conception: The Counterdoctrine of the Jamesian Poiesis,” in C.L.R. James Caribbean, eds. Paget Henry & Paul Buhle, 63-91)**

**To be effective systems of power must be discursively legitimated. This is not to say that power is originally a set of institutional structures that are subsequently legitimated**. On the contrary**, it** is to **suggest the** equiprimordiality of **structure and cultural conceptions in the genesis of power. These cultural conceptions, encoded in language and other signifying systems, shape the development of political structures and are also shaped by them. The cultural aspects of power are as original as the structural aspects; each serves as a code for the other's development. It is from these elementary cultural conceptions that complex legitimating discourses are constructed.**

#### III. The alternative is to rupture true European conception of Man- this conception has grounded the basis for why women are treated as non-humans in the first place. They cannot claim to address much less solve any problems of human existence without addressing Racism first and foremost. This in and of itself misses the anthropological cause of colonial/neo-colonial differences the world over. This is not to say that Racism is in itself of more consequence than other problems, but to say that Racism is the template of modernity used to refuse humanity to other people, to make them different kinds of things that do not deserve humanity.

**Wynter 3** (Sylvia Wynter, “Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation--An Argument,” CR: The New Centennial Review, Volume 3, Number 3,257-337)//

The argument proposes that **the struggle of our new millennium will be one between** the ongoing imperative of securing the well-being of our present ethnoclass (i.e., Western bourgeois) **conception of the human, Man**, which overrepresents itself as if it were the human itself, and that of securing the well-being, and therefore the full cognitive and behavioral autonomy of the human species itself/ourselves. Because of this overrepresentation, which is defined in the first part of the title as the Coloniality of Being/Power/Truth/Freedom, **any attempt to unsettle the coloniality of power will call for the unsettling of this overrepresentation** as the second and now purely secular form of what Aníbal Quijano identifies as the “**Racism/ Ethnicism complex,” on whose basis the world of modernity was brought into existence** from the fifteenth/sixteenth centuries onwards (Quijano 1999,2000), and of what Walter Mignolo identifies as the foundational “colonial difference” on which the world of modernity was to institute itself (Mignolo 1999, 2000). The correlated hypothesis here is that all **our present struggles with respect to race, class, gender, sexual orientation, ethnicity, struggles over the environment**, global warming, severe climate change, the sharply unequal distribution of the earth resources (20 percent of the world’s peoples own 80 percent of its resources, consume two-thirds of its food, and are responsible for 75 percent of its ongoing pollution, with this leading to two billion of earth’s peoples living relatively affluent lives while four billion still live on the edge of hunger and immiseration, to the dynamic of overconsumption on the part of the rich techno-industrial North paralleled by that of overpopulation on the part of the dispossessed poor, still partly agrarian worlds of the South4)—**these are all differing facets of the central ethnoclass Man vs. Human struggle. Central to this struggle also is** the usually excluded and invisibilized situation of the category identified by Zygmunt Bauman as the “New Poor” (Bauman 1987). That is, as a category defined at the global level by refugee/economic migrants stranded outside the gates of the rich countries, as the postcolonial variant of Fanon’s category of les damnés (Fanon 1963)—with this category in the United States coming to comprise the criminalized majority Black and dark-skinned Latino inner-city males now made to man the rapidly expanding prison-industrial complex, together with their female peers—the kicked-about Welfare Moms—with both being part of the ever-expanding global, transracial category of the homeless/the jobless, the semi-jobless, the criminalized drug-offending prison population. So that if we see this category of the damnés that is internal to (and interned within) the prison system of the United States as the analog form of **a global archipelago, constituted by** the Third- and Fourth-World **peoples of the so-called “underdeveloped” areas of the world—**most totally of all by the peoples of **the continent of Africa** (now **stricken with** AIDS, drought, and **ongoing civil wars**, and whose bottommost place as the most impoverished of all the earth’s continents is directly paralleled by the situation of its Black Diaspora peoples, with Haiti being produced and reproduced as the most impoverished nation of the Americas)—**a systemic pattern emerges**. This pattern is linked to the fact that while in the post-sixties United States, as Herbert Gans noted recently, **the Black population group**, of all the multiple groups comprising the post-sixties social hierarchy, **has once again come to be placed at the bottommost place of that hierarchy** (Gans, 1999), with all incoming new nonwhite/non-Black groups, as Gans’s fellow sociologist Andrew Hacker (1992) earlier pointed out, coming to claim “normal” North American identity by the putting of visible distance between themselves and the Black population group (in effect, claiming “normal” human status by distancing themselves from the group that is still made to occupy the nadir, “nigger” rung of being human within the terms of our present ethnoclass Man’s overrepresentation of its “descriptive statement” [Bateson 1969] as if it were that of the human itself), then the struggle of our times, one that has hitherto had no name, is the struggle against **this overrepresentation**. As a struggle whose first phase, the Argument proposes, was first put in place (if only for a brief hiatus before being coopted, reterritorialized [Godzich 1986]) by the multiple anticolonial social-protest movements and intellectual challenges of the period to which we give the name, “The Sixties.” The further proposal here is that, although the brief hiatus during which the sixties’ large-scale challenge based on multiple issues, multiple local terrains of struggles (local struggles against, to use Mignolo’s felicitous phrase, a “global design” [Mignolo 2000]) erupted was soon to be erased, several of the issues raised then would continue to be articulated, some in sanitized forms (those pertaining to the category defined by Bauman as “the seduced”), others in more harshly intensified forms (those pertaining to Bauman’s category of the “repressed” [Bauman 1987]). Both forms of “sanitization” would, however, function in the same manner as the lawlike effects of the post-sixties’vigorous discursive and institutional re-elaboration of the central overrepresentation, which **enables the interests**, reality, and well-being **of the empirical human world** to continue **to be** imperatively **subordinated to** those of **the** now globally **hegemonic ethnoclass world of “Man.” This**, in the same way as in an earlier epoch and before what Howard Winant identifies as the “immense historical rupture” of the “Big Bang” processes that were to **lead to a** contemporary modernity defined by the **“rise of the West” and the “subjugation of the rest of us”** (Winant 1994)—before, therefore, the secularizing intellectual revolution of Renaissance humanism, followed by the decentralizing religious heresy of the Protestant Reformation and the rise of the modern state—the then world of laymen and laywomen, including the institution of the political state, as well as those of commerce and of economic production, had remained subordinated to that of the post-Gregorian Reform Church of Latin-Christian Europe (Le Goff 1983), and therefore to the “rules of the social order” and the theories “which gave them sanction” (See Konrad and Szelenyi guide-quote), as these rules were articulated by its theologians and implemented by its celibate clergy (See Le Goff guide-quote).

#### TURN. Black feminism is a bourgeois movement focused on recreating western gender/genre ontology which CANNOT SOLVE the condition of the Black woman.

**Wynter 6** (Sylvia Wynter, Professor Emeritus of African-American @ Stanford, “Proud Flesh: New Afrikan Journal of Culture, Politics & Consciousness” © ISSN: 1543-0855 Issue, 2006)//ghs-VA

“It is not that I am against feminism: I’m appalled at what it became. Originally, there was nothing wrong with my seeing myself as a feminist; I thought it was adding to how we were going to understand this world. If you think about the origins of the modern world, because gender was always there, how did we institute ourselves as humans; why was gender a function of that? I’d just like to make a point here that is very important. Although I use the term “race,” and I have to use the term “race,” “race” itself is a function of something else which is much closer to “gender.”Once you say, “besides ontogeny, there’s sociogeny,” then there cannot be only one mode of sociogeny; there cannot be only one mode of being human; there are a multiplicity of modes. So I coined the word “genre,” or I adapted it, because “genre” and “gender” come from the same root. They mean “kind,” one of the meanings is “kind.” Now what I am suggesting is that “gender” has always been a function of the instituting of “kind.” For example, **in our order, which is a bourgeois order of kind, a bourgeois order of the human, the woman was supposed to be the housewife and the man was supposed to be the breadwinner. Each was as locked into their roles. By making the feminist movement into a bourgeois movement, what they’ve done is to fight to be equal breadwinners. This means that the breadwinning man and the breadwinning woman become a new class, so that the woman who remains in her role becomes a part of a subordinated class**.… What **we are witnessing is the incorporation of the bourgeoisie**. You are incorporated like Skip Gates has become incorporated—if I use him, I am just using him as the very model of someone who has been incorporated into academia; and, to be honest with you, as has Cornel West who, for all his “radical” talk, has become incorporated. What I have been trying to work through is this whole idea of “genre.” Because, you see, when Césaire resigned from the Communist Party, he said that our issue cannot be made into a subset of any other issue; and so I’ve been saying, “What is our issue?” And our issue is the “genre” of the human. So when Black Studies came up, when this guy called for another order of “truth” (because every genre has an order of “truth”), what he was calling for was this. Now when I speak at a feminist gathering and I come up with “genre” and say “gender” is a function of “genre,” they don’t want to hear that. Look at the tremendous perks that feminism has given to some Black women, for example, and “of color” women as they call themselves. Right? This is what I am trying to say about the temptations, you see; and then you say you’re a “Black feminist,” but what is happening to Black women? … Black women’s struggle is quite other. Our struggle as Black women has to do with the destruction of the genre; with the displacement of the genre of the human of “Man,” of which the Black population group—men, women and children—must function as the negation.”

#### Wynter functions as a TURN. Black feminism aims in a system of divide and concur. You attempt to separate the struggles of black men and women but this only destroys the necessary solidarity we need to combat whiteess. As Wynter says “the BLACK POPULATION GROUP—men, women, AND, children—must function as the negation. It is not or, or me first. It is AND, AND, AND. YOUR AFF EXCLUDES BLACK MEN BY ASSUMING WOMEN MATTER MORE- ITS NOT A QUESTION OF WHO MATTERS MORE- IT’S A QUESTION OF DESTROYING THE GENRE OF MAN THAT HAS PUT BLACK WOMEN, BLACK MEN, AND BLACK CHILDREN AT THE BOTTOM. YOUR FEMINIMS ONLY KEEPS THEM AT THE BOTTOM.

#### Black feminism only reifies the category of racial subjugation through supporting western anthropology of man which makes gender feminine and erases the complexity of Black people, specifically the abuse suffered by Black men

**Curry 13** (Tommy J. Curry, Professor of Philosophy @ Texas A&M, “It ain’t radical, just because you say it is: How the derelectical crisis effects the theoretical and practical utility of Black interventions into anti-black racism,” 2013, http://drtjc.tumblr.com/post/62738300529/it-aint-radical-just-because-you-say-so-how-the)//ghs-VA

In the cases of intra-group critiques like that of Black feminism, or Black queer/quare theories of Blackness, the reaction of the Black theorist becomes peculiar, though not unheard of. Knowing that the objects of their criticism are powerless, in the sense that they do not generate the ideologies or control the institutions that allow them to be patriarchs, these ideologies make the identification of the Black community, the Black man, as pathological. In its discursive rendering of the gender and sexual dynamics that produce homophobia and sexism, Blackness is masculinized, so that the creation of the image needed to give teeth to these accounts resonates with the negrophobia of the white listener. In other words, these theories are not geared to cultural and psychical transformations in the Black community, as seen from the perspective of those in these communities, but rather they are fundamentally geared towards the formulation of accounts that epistemologically converge with theories given by the academy so that these reflections about Blackness gain currency with mainstream academic thought and given the title of “theory.” This process is valued even though the cost of making these theorizes recognizable comes with pathologizing the community these theories are supposed to reflect. This is not to say that there is not homophobia, sexism, classism, colorism, and other manifestations of derivative power differences maintained by white supremacism in the Black community. It is to say however, that isolating gender to females as if Black men do not suffer from their hetero-maleness, or making queerness/quareness into a universal corrective to Blackness without attending to the class differential of those queer/quare speakers and the impoverished heteronormative Christian Blacks they speak about only perpetuates the conceptual and actual distance that “highly educated Negros” have from the problems their theories claim to represent. The problem here is erasure of the complexity of Black life, and with it demanding that the actual lives of Black people are erased, eradicated, and demonized for the convenience of theoretical coherence/currency. For the narrative of grand theories like Black feminism, or queer theory, or Marxism to remain legitimate, the complex lives of Black people have to be censored; it is why the sexual abuse of Black men and boys by Black men and Black women shown to the world when Finding Fish, murder, and historical rape of Black men by white men and women by Thomas Foster’s (2011) “The Sexual Abuse of Black Men under American Slavery,” remain ignored and denied by the intellectuals /disciples of these moralities/theories. What the presence of these ideologies in Black debates about Blackness show more than anything is that the presence of Black bodies, and Black voices, do little to change the dominant power structures in society, or the academy alike. Greg Thomas’s (2007) The Sexual Demon of Colonial Power is clear: The possibilities of erotic identity and embodiment are by no means exhausted by what Europe would call heterosexuality or homosexuality. This narrow opposition is neither natural nor universal; it is modern, western, and bourgeois or ruling-class. It is conventionally white and white supremacist as it upholds a much larger sexual opposition between the “civilized” and the “uncivilized,” the colonized and the colonizer. The rather liberal articulation of “race, gender, class, and sexuality” in contemporary academia does not confront but rather consolidates this Occidentalism at the level of politics and epistemology.

#### Black feminism is pseudo-logical—it aims for incorporation and recognition from white feminists and white supremacist institutions for legitimacy be it disciplines or legal entities. It perpetuates the Eurocentric order of knowledge, it does not disrupt it.

**Curry 13** (Tommy J. Curry, Professor of Philosophy @ Texas A&M, “It ain’t radical, just because you say it is: How the derelectical crisis effects the theoretical and practical utility of Black interventions into anti-black racism,” 2013, http://drtjc.tumblr.com/post/62738300529/it-aint-radical-just-because-you-say-so-how-the)//ghs-VA

The liberal articulation of racism, sexual exploitation, and economic deprivation (race, gender, and class) functions as an outstretched hand allowing the white imagination and the Eurocentric canon an opportunity to grasp onto the problems created by the Eurocentric order of knowledge that produced them. These realities of dehumanization are originally rooted in the racist anthropology that essentialized hierarchy into sexuality and ordered capital and property around these prior divisions. This is what is meant in the distinction I make in “On Derelict and Method” between pseudological criticism and culturalogical criticism. Pseudological criticism is not meant to overthrow the systems of knowledge, or question the existence of the oppressor class. It seeks recognition from them and as such proceeds to engage white consciousness, or Black moral/ideological sentiment as the basis of claiming to “transform” the subject matter of the critique. As I argued in that article, the Black theorist is: now propagandist, an advocate of pseudological criticism , which maintains that as “Black philosophers,” it is our duty to only embrace those discourses, techniques, and tactics that respect the recently emergent humanity of whites as the condition of our inclusion within philosophy. The social consequences of this ethical system will of course be denied by the liberal white who takes their tolerance of Black criticism about whites as a type of racial absolution. In reality, the integrationist ethos embraced by philosophers as the virtue ensuring order and mutual respect between Blacks and whites acts as a deliberate sanction against meaningful but potentially divisive racial discourse. This disciplinary morality makes Black thought impotent to attack whiteness beyond the most abstract generalities and limits the total disclosure of Black experience under white supremacist oppression. Under this regime, Black thought is defined by the all too common inter-racial catharses that have become the therapeutic hallmarks of philosophical engagements with race, rather than the rigor of its conceptual analysis into nature of anti-Black racism (144).

### AT Womens issues

#### No link- aff is only specific to black adolescent boys getting autonomy

#### It’s not that womens’ issues aren’t important, but the Aff is about black boys and you try to evade the discussion by bringing up another issue. We NEVER talk about young black male death

Tommy J. **Curry**—20**14** (Associate Professor of Philosophy @ TAMU, “Michael Brown and the Need for a Genre Studies of Black Male Death and Dying,” Theory and Event 17.3 (2014))

In “No Humans Involved,” Sylvia Wynter urges the reader to consider the relationship between the paradigms of dehumanization that resulted in the genocide of Armenians by Turkish pan-nationalists, the holocaust inflicted upon Jews by the Germans, and the language used to describe Black men as a species deserving death. Because Black men are thought to be “not human,” there is a tendency to embrace their sociological condition as their essential characteristics. Black males are thought to be the origins of their conditions rather than their conditions being the origin of their problems. **The designation of Black males as problems in society**, simultaneously **enforced by our academic theories** demanding the de-emphasis of their plight **allows** such **ideologies to operate without challenge**. **Such conceptualizations**, contends Wynter, “while not overtly genocidal, **are clearly serving to achieve parallel results: the incarceration and elimination of young Black males by ostensibly normal and everyday means**.”18 Similarly, Huey P. Newton has argued in “Fear and Doubt” that “society responds to [the lower socioeconomic Black man] as a thing, a beast, a nonentity, something to be ignored or stepped on. He is asked to respect laws that do not respect him.”19 Ultimately, **it is the Black men and boys who remain isolated,** condemned, **and ignored by theory that “have been made to pay the ‘sacrificial costs’ for the relatively improved conditions** since the 1960s that have impelled many black Americans out of the ghettos and into the suburbs.” 20 Black males are the depositories of the negativity traditional associated with Blackness that makes transcendence, socially, politically and conceptually, possible for other Black

### AT women narrative

#### Oppression Olympics- perm

#### Coalitions, only way to actually even do that- perm is inclusive

#### Doesn’t say you cant deal with issues of black people, with issues of women

#### Focus- not a reason to negate

The problem you cannot say your experience precludes the aff

Feminisim debate:

* Black partricahry- black women most educated women in the country,
* You don’t know what ur talking about, patrichary si about power- where do black men have power
* In Africa they have different notions of gender, coloinaism influenced the,, cannot explain African American men
* Black panthers ran by black women
* Black women- empirics prove, parthicy about pworr, just not a thing

All narratives function on the educational realm- performance are education- perm its about education

As neg strat it becomes a way to win- a way to say my strategy is more better than you to win

The number one justification for lyncying black men way because of rape narratives- you would be striking the plan down, this plan that has nothing to do with your plan has to be stricken down because of your plan, it would be a lynching,

### AT Don’t use state

#### Blacks were not supposed to discuss issues of the day and were limited to racial discussions for the support or CRITICISM of politicians seeking office. Limits what my body can talk about.

WOODSON founder of the Association for the Study of Negro Life and History 1933

Carter G.- (1875-1950), African American historian and educator; founder and editor of the Journal of Negro History and the Negro History Bulletin; *THE MISEDUCATION OF THE NEGRO;* p.92

In the North the Negroes have a better chance to acquire knowledge of political matters of the simple kind, but the bosses do not think it is advisable to enlighten them thoroughly. Negroes in parts are employed in campaigns, but they are not supposed to discuss such issues of the day as free trade, tariff for protection, the World Court, and the League of Nations. These Negro workers are supposed to tell their people how one politician seeking office has appointed more Negro messengers or charwomen in the service than the other or how the grandfather of the candidate stood with Lincoln and Grant through their ordeal and thus brought the race into its own. Another important task of these Negroes thus employed is also to abuse the opposing party, showing how hostile it has been to the Negro while the highly favorable party was doing so much for the race.

THE ROLE OF THE GOVERNMENT IS INEVITABLY IMPORTANT – It is the only avenue in which we can break down the institutional effects of racism

FRANKLIN James B. Duke Professor Emeritus of History Duke University 1993

John Hope-1985-1992 was Professor of legal History in the Law School at Duke University; *THE COLOR LINE: Legacy for the Twenty First Century*; p. 73-74

We now live in an age when the role of government is inevitably important whether we are referring to preschool education in Seattle or the aircraft industry in that area, whether we are talking about welfare in Detroit or the creaky, wavering automotive industry there. What we need so desperately is the assumption of responsibility at the highest levels in the public and private sectors to make a strong pitch for the elimination of the uglier aspects of the color line so that we can have a healthier, happier, even gentler society. We need to appreciate the importance of legislation, judicial decisions, and executive orders in setting the stage for eliminating the color line. Without them it is not possible for individuals or groups of individuals, however dedicated, to make a good-faith and successful effort to eliminate the color line. Yet we cannot expect too much of these public efforts, important as they are. These public efforts must be combined with private efforts to promote mutual respect and a willingness to make judgments of others based on what they have done and can do, and not on who they are. If we can somehow teach ourselves these lessons in human relations, perhaps we can take the first feeble steps toward creating the kind of community about which some of our forebears spoke and wrote, and the kind of nation about which so many of us have dreamed but never realized

Only state action can create real change, K’s must be tied to implementable policy options

Bryant, Levi, 20**12**, Ph.D. in Philosophy from Loyola, Underpants Gnomes: A Critique of the Academic Left, http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/,

The problem as I see it is that this is the worst sort of abstraction (in the Marxist sense) and wishful thinking. Within a Marxo-Hegelian context, a thought is abstract when it ignores all of the mediations in which a thing is embedded. For example, I understand a robust tree abstractly when I attribute its robustness, say, to its genetics alone, ignoring the complex relations to its soil, the air, sunshine, rainfall, etc., that also allowed it to grow robustly in this way. This is the sort of critique we’re always leveling against the neoliberals. They are abstract thinkers. In their doxa that individuals are entirely responsible for themselves and that they completely make themselves by pulling themselves up by their bootstraps, neoliberals ignore all the mediations belonging to the social and material context in which human beings develop that play a role in determining the vectors of their life. They ignore, for example, that George W. Bush grew up in a family that was highly connected to the world of business and government and that this gave him opportunities that someone living in a remote region of Alaska in a very different material infrastructure and set of family relations does not have. To think concretely is to engage in a cartography of these mediations, a mapping of these networks, from circumstance to circumstance (what I call an “onto-cartography”). It is to map assemblages, networks, or ecologies in the constitution of entities.¶ Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park:¶ The underpants gnomes have a plan for achieving profit that goes like this:¶ Phase 1: Collect Underpants¶ Phase 2: ?¶ Phase 3: Profit!¶ They even have a catchy song to go with their work:¶ Well this is sadly how it often is with the academic left. Our plan seems to be as follows:¶ Phase 1: Ultra-Radical Critique¶ Phase 2: ?¶ Phase 3: Revolution and complete social transformation!¶ Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing?¶ But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done!¶ But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc.¶ What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle.¶ I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation.¶ “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

1. [↑](#footnote-ref-1)